

FILING INSTRUCTIONS

Indiana Pattern Jury Instructions—Criminal (Fourth Edition)

Publication 63122 Release 21A January 2022

Check
As
Done

- ☐ 1. Check the Title page in the front of your present Volume 1. It should indicate that your set is filed through Release Number 20A. If the set is current, proceed with the filing of this release. If your set is not filed through Release Number 20A, DO NOT file this release. Please call Customer Services at 1-800-833-9844 for assistance in bringing your set up to date.
- ☐ 2. This Release Number 21A contains only White Revision pages.
- ☐ 3. This Release Number 21A contains updates to the Fourth Edition.

Check
As
Done

Remove Old
Pages Numbered

Insert New
Pages Numbered

For faster and easier filing, all references are to right-hand pages only.

VOLUME 1NEW

Revision

<input type="checkbox"/>	Title page thru xxi	Title page thru xxi
<input type="checkbox"/>	3-3.	3-3
<input type="checkbox"/>	3-33 thru 3-35	3-33 thru 3-35
<input type="checkbox"/>	3-99	3-99 thru 3-100.3
<input type="checkbox"/>	4-1 thru 4-3.	4-1 thru 4-3
<input type="checkbox"/>	4-45 thru 4-49	4-45 thru 4-50.1
<input type="checkbox"/>	4-58.1 thru 4-61.	4-59 thru 4-62.5
<input type="checkbox"/>	4-79 thru 4-82.1.	4-79 thru 4-82.11
<input type="checkbox"/>	5-37 thru 5-40.7.	5-37 thru 5-40.7
<input type="checkbox"/>	6-1 thru 6-3.	6-1 thru 6-4.1
<input type="checkbox"/>	7-111 thru 7-113	7-111 thru 7-113
<input type="checkbox"/>	8-1.	8-1 thru 8-2.1
<input type="checkbox"/>	8-25 thru 8-36.5.	8-25 thru 8-36.6(5)

VOLUME 2NEW

Revision

<input type="checkbox"/>	Title page thru xv	Title page thru xv
<input type="checkbox"/>	14-1 thru 14-7	14-1 thru 14-7
<input type="checkbox"/>	14-30.1 thru 14-35	14-31 thru 14-36.1
<input type="checkbox"/>	14-45 thru 14-53	14-45 thru 14-54.1
<input type="checkbox"/>	14-74.1 thru 14-89	14-75 thru 14-90.9
<input type="checkbox"/>	14-111 thru 14-118.1	14-111 thru 14-118.1
<input type="checkbox"/>	14-131 thru 14-137	14-131 thru 14-138.1
<input type="checkbox"/>	14-175 thru 14-177	14-175 thru 14-178.1
<input type="checkbox"/>	14-187 thru 14-188.1	14-187 thru 14-188.3
<input type="checkbox"/>	14-225	14-225 thru 14-226.1
<input type="checkbox"/>	14-254.1	14-254.1 thru 14-254.3
<input type="checkbox"/>	14-261 thru 15-4.1	14-261 thru 15-4.1
<input type="checkbox"/>	15-50.1 thru 15-59	15-51 thru 15-60.7
<input type="checkbox"/>	TC-1 thru I-33	TC-1 thru I-33

FILE IN THE FRONT OF THE FIRST VOLUME
OF YOUR SET

To order missing pages log on to our self service center, www.lexisnexis.com/printedsc or call Customer Services at 1 (800) 833-9844 and have the following information ready:

- (1) the publication title;
- (2) specific volume, chapter and page numbers; and
- (3) your name, phone number, and Matthew Bender account number.

Please recycle removed pages.

MISSING FILING INSTRUCTIONS?
FIND THEM AT www.lexisnexis.com/printedsc

Use the search tool provided to find and download missing filing instructions, or sign on to the Print & CD Service Center to order missing pages or replacement materials. Visit us soon to see what else the Print & CD Service Center can do for you!



LexisNexis®

www.lexis.com

Copyright © 2022 Matthew Bender & Company, Inc., a member of the LexisNexis Group.
Publication 63122, Release 21A, January 2022

LexisNexis, the knowledge burst logo, and Michie are trademarks of Reed Elsevier Properties Inc., used under license. Matthew Bender is a registered trademark of Matthew Bender Properties Inc.

FILE IN THE FRONT OF THE FIRST VOLUME OF YOUR SET

To order missing pages log on to our self service center, www.lexisnexis.com/mnh/index.cfm or call Customer Services at 1 (800) 833-8844 and have the following information ready:

- (1) the publication title;
- (2) specific volume, chapter and page numbers; and
- (3) your name, phone number, and Matthew Bender account number.

Please recycle removed pages.

MISSING FILING INSTRUCTIONS?

FIND THEM AT www.lexisnexis.com/mnh/index.cfm

Use the search tool provided to find and download missing filing instructions or sign on to the Print & CD Service Center to order missing pages or replacement materials. Visit us soon to see what else the Print & CD Service Center can do for you!

LexisNexis



www.lexis.com

Copyright © 2022 Matthew Bender & Company, Inc., a member of the LexisNexis Group. Publication 63122, Release 31A, January 2022

LexisNexis, the knowledge burst logo, and Michie are trademarks of Reed Elsevier Properties Inc. used under license. Matthew Bender is a registered trademark of Matthew Bender Properties Inc.

INDIANA PATTERN JURY INSTRUCTIONS— CRIMINAL

Fourth Edition

VOLUME 1

Written by the Criminal Instructions Committee of the Indiana Judges Association

2022

Filed Through:

RELEASE NO. 21A, JANUARY 2022



LexisNexis

QUESTIONS ABOUT THIS PUBLICATION?

For questions about the **Editorial Content** appearing in these volumes or reprint permission, please call:
Gary Laurie at (908) 673-3358
Email: gary.a.laurie@lexisnexis.com
Outside the United States and Canada, please call (973) 820-2000

For assistance with replacement pages, shipments, billing or other customer service matters, please call:
Customer Services Department at (800) 833-9844
Outside the United States and Canada, please call (518) 487-3385
Fax Number (800) 828-8341
Customer Service Website <http://www.lexisnexis.com/custserv/>

For information on other Matthew Bender publications, please call
Your account manager or (800) 223-1940
Outside the United States and Canada, please call (937) 247-0293

Library of Congress Card Number: 90-64426

ISBN: 978-1-6328-0524-9 (print)

Cite as:

[Vol. no.] Indiana Judges Association, Indiana Pattern Jury Instructions—Criminal, 4th Ed., [sec. no.]
— (Matthew Bender)


Example:

1 Indiana Judges Association, Indiana Pattern Jury Instructions—Criminal, 4th Ed., 1.01 — (Matthew Bender)

Copyright © 2022 Indiana Judges Association. All rights reserved.
Originally published in: 1980.

The Indiana Judges Association owns all copyright to the content of the Indiana jury instructions and commentary reproduced herein. Such content is available for non-commercial and personal use only—reproduction of this content for commercial purposes or for further distribution is strictly prohibited.

Editorial Office
230 Park Ave., 7th Floor, New York, NY 10169 (800) 543-6862
www.lexisnexis.com

MATTHEW  BENDER

Volume 1 Table of Contents

A COMPLETE SYNOPSIS FOR EACH CHAPTER APPEARS AT
THE BEGINNING OF THE CHAPTER

CHAPTER 1 PRELIMINARY INSTRUCTIONS

Instruction No. 1.0100.	Duty of Jurors.
Instruction No. 1.0300.	Law and Facts.
Instruction No. 1.0500.	Instructions Considered as a Whole.
Instruction No. 1.0700.	The Charge.
Instruction No. 1.0900.	The Crime Definition.
Instruction No. 1.1100.	Charge Not Evidence and Plea.
Instruction No. 1.1300.	Presumption of Innocence.
Instruction No. 1.1500.	Burden of Proof—Reasonable Doubt.
Instruction No. 1.1700.	Credibility of Witnesses—Weighing Evidence.
Instruction No. 1.1900.	Rulings of Court.
Instruction No. 1.2100.	Recalling Evidence.
Instruction No. 1.2200.	Juror Questions and Procedure.
Instruction No. 1.2300.	Multiple Defendants—Separate Consideration.
Instruction No. 1.2500.	Conduct of Trial.
Instruction No. 1.2700.	Personal Knowledge of a Juror.

CHAPTER 2 GENERAL OFFENSES

Instruction No. 2.0100.	Attempted [for Attempted Murder, use Instruction No. 2.0200 instead.]
Instruction No. 2.0200.	Attempted Murder.
Instruction No. 2.0400.	Attempt—Included Offense [for Attempted Murder use Instruction No. 2.0600 instead].
Instruction No. 2.0600.	Attempted Murder—Included Offense.
Instruction No. 2.0800.	Attempted Sex Crime Against a Child—Substantial Step of Travelling.
Instruction No. 2.1000.	Attempt—Misapprehension Is No Defense.
Instruction No. 2.1200.	Conspiracy.
Instruction No. 2.1400.	Conspiracy—No Defense.
Instruction No. 2.1600.	Aiding, Inducing or Causing an Offense [for Aiding, Inducing, or Causing Attempted Murder, use Instruction No. 2.1800 instead.]
Instruction No. 2.1800.	Aiding, Inducing or Causing Attempted Murder.

CHAPTER 3 OFFENSES AGAINST THE PERSON

Instruction No. 3.0100.	Murder—Killing a Human Being.
Instruction No. 3.0140.	Murder—Felony Murder.

Volume 1 Table of Contents

Instruction No. 3.0180.	Murder—Killing a Fetus.
Instruction No. 3.0300.	Causing Suicide.
Instruction No. 3.0340.	Assisting Suicide.
Instruction No. 3.0500.	Murder with Lesser Offense of Voluntary Manslaughter.
Instruction No. 3.0540.	Voluntary Manslaughter as Principal Charge.
Instruction No. 3.0700.	Feticide.
Instruction No. 3.0800.	Involuntary Manslaughter.
Instruction No. 3.0840.	Causation (Involuntary Manslaughter).
Instruction No. 3.1000.	Reckless Homicide.
Instruction No. 3.1200.	Battery.
Instruction No. 3.1240.	Battery (on a Public Safety Official).
Instruction No. 3.1280.	Battery (Person Less Than Fourteen Years of Age).
Instruction No. 3.1320.	Battery (Person with Disability—Level 6 Felony).
Instruction No. 3.1360.	Battery (Endangered Adult).
Instruction No. 3.1400.	Battery (Member of Foster Family Home).
Instruction No. 3.1700.	Malicious Mischief—Placing to Have Touched.
Instruction No. 3.1740.	Malicious Mischief with Food.
Instruction No. 3.1900.	Domestic Battery.
Instruction No. 3.1900(a).	Domestic Battery (effective for crimes committed July 1, 2019 or after).
Instruction No. 3.2000.	Aggravated Battery.
Instruction No. 3.2100.	Criminal Recklessness.
Instruction No. 3.2100(a).	Criminal Recklessness (effective for crimes committed July 1, 2019 or after).
Instruction No. 3.2140.	Hazing.
Instruction No. 3.2180.	Strangulation.
Instruction No. 3.2500.	Kidnapping.
Instruction No. 3.2500(a).	Kidnapping (effective for crimes committed July 1, 2019 or after).
Instruction No. 3.2540.	Criminal Confinement.
Instruction No. 3.2540(a).	Criminal Confinement (effective for crimes committed July 1, 2019 or after).
Instruction No. 3.2700.	Interference with Custody.
Instruction No. 3.2900.	Rape.
Instruction No. 3.3300.	Child Molesting—Sexual Intercourse or Other Sexual Conduct.
Instruction No. 3.3340.	Child Molesting—Fondling.
Instruction No. 3.3380.	Child Molesting Defenses—Belief as to Age.
Instruction No. 3.3500.	Sexual Misconduct with a Minor—Intercourse or Sexual Conduct.
Instruction No. 3.3520.	Sexual Misconduct with a Minor—Fondling or Touching.
Instruction No. 3.3540.	Sexual Misconduct with a Minor—Defenses.
Instruction No. 3.3700.	Sexual Conduct in the Presence of a Minor.
Instruction No. 3.3900.	Vicarious Sexual Gratification—Touching or Fondling.

Volume 1 Table of Contents

Instruction No. 3.3940.	Vicarious Sexual Gratification—Intercourse, Animals, Other Sexual Conduct.
Instruction No. 3.4100.	Child Solicitation—Victim Under Fourteen.
Instruction No. 3.4140.	Child Solicitation—Victim Fourteen to Fifteen.
Instruction No. 3.4180.	Child Exploitation—Managing or Producing Performance—Sexual Conduct.
Instruction No. 3.4220.	Child Exploitation—Disseminating Matter—Sexual Conduct.
Instruction No. 3.4260.	Child Exploitation—Computer—Sexual Conduct.
Instruction No. 3.4300.	Child Exploitation—Performance or Incident—Genitals or Breast.
Instruction No. 3.4340.	Child Exploitation—Disseminating or Exhibiting Matter—Genitals or Breast.
Instruction No. 3.4380.	Child Exploitation—By Computer—Genitals or Breast.
Instruction No. 3.4600.	Possession of Child Pornography.
Instruction No. 3.4700.	Sexting Defense to Child Exploitation—Managing or Producing, Child Exploitation—Disseminating, Child Exploitation—Computer, Possession of Child Pornography, Child Exploitation—Performance or Incident, Child Exploitation—Disseminating or Exhibiting Matter, and Child Exploitation—By Computer.
Instruction No. 3.4900.	Unlawful Employment Near Children.
Instruction No. 3.5000.	Sex Offender Residency Offense.
Instruction No. 3.5050.	Unlawful Entry by an Offender Who May Not Enter School Property.
Instruction No. 3.5055.	Religious Freedom Defense.
Instruction No. 3.5200.	Child Seduction—No Professional Relationship.
Instruction No. 3.5240.	Child Seduction—Professional Relationship.
Instruction No. 3.5240(a).	Child Seduction—Professional Relationship (effective for crimes committed July 1, 2019 or after).
Instruction No. 3.5400.	Sexual Battery.
Instruction No. 3.5450.	Female Genital Mutilation.
Instruction No. 3.5700.	Robbery.
Instruction No. 3.5750.	Pharmacy Robbery.
Instruction No. 3.6100.	Overpass Mischief.
Instruction No. 3.6200.	Human Trafficking Definitions.
Instruction No. 3.6300.	Promotion of Human Labor Trafficking.
Instruction No. 3.6400.	Promotion of Human Sexual Trafficking.
Instruction No. 3.6500.	Child Sexual Trafficking.
Instruction No. 3.6700.	Human Trafficking.
Instruction No. 3.6800.	Promotion of Child Sexual Trafficking.
Instruction No. 3.6900.	Promotion of Sexual Trafficking of Younger Child.
Instruction No. 3.7100.	Sex Offender Internet Offense.
Instruction No. 3.7150.	Sex Offender Unmanned Aerial Vehicle Offense.
Instruction No. 3.7500.	Inappropriate Communication with a Child.

Volume 1 Table of Contents

CHAPTER 4 OFFENSES AGAINST PROPERTY

Instruction No. 4.0020.	Arson (Damaging dwelling).
Instruction No. 4.0040.	Arson (Endangering human life).
Instruction No. 4.0060.	Arson (Loss at least \$5,000).
Instruction No. 4.0080.	Arson (Structure Used for Religious Worship).
Instruction No. 4.0100.	Arson (For Hire).
Instruction No. 4.0120.	Arson (Intent to Defraud).
Instruction No. 4.0140.	Arson (Property Damage \$250 to \$5,000).
Instruction No. 4.0400.	Criminal Mischief—Damaging Property (B misdemeanor).
Instruction No. 4.0420.	Criminal Mischief—Damaging Property (Class A Misdemeanor).
Instruction No. 4.0440.	Criminal Mischief—Damaging Property (Level 6 felony).
Instruction No. 4.0460.	Institutional Criminal Mischief.
Instruction No. 4.0465.	Controlled Substances Criminal Mischief.
Instruction No. 4.0470.	Foreclosure Mischief.
Instruction No. 4.0480.	Cemetery Mischief.
Instruction No. 4.0500.	Damage to Cemetery Monuments or Grave Markers.
Instruction No. 4.0520.	Railroad Mischief—Locomotive and Cars.
Instruction No. 4.0540.	Railroad Mischief—Signal Systems.
Instruction No. 4.0560.	Railroad Mischief—Rail Systems.
Instruction No. 4.0660.	Cave Mischief.
Instruction No. 4.0680.	Tampering with Water Supply.
Instruction No. 4.0900.	Altering Historical Property.
Instruction No. 4.0920.	Offense Against Intellectual Property.
Instruction No. 4.0940.	Offense Against Computer Users.
Instruction No. 4.1100.	Burglary.
Instruction No. 4.1120.	Residential Entry.
Instruction No. 4.1140.	Criminal Trespass (Entering Real Property).
Instruction No. 4.1143.	Criminal Trespass (Vacant Property).
Instruction No. 4.1160.	Criminal Trespass (Refusing to Leave Real Property).
Instruction No. 4.1180.	Criminal Trespass (Vehicles).
Instruction No. 4.1300.	Criminal Trespass (Interfering with Possession of Property).
Instruction No. 4.1320.	Criminal Trespass (Entering a Dwelling Without Consent).
Instruction No. 4.1340.	Criminal Trespass (Train Travel Without Consent).
Instruction No. 4.1360.	Computer Trespass.
Instruction No. 4.1600.	Theft.
Instruction No. 4.1610.	Organized Theft.
Instruction No. 4.1620.	Dealing in Altered Property.
Instruction No. 4.1640.	Auto Theft.
Instruction No. 4.1650.	Valuable Metal Dealer Offenses.
Instruction No. 4.1660.	Receiving Stolen Auto Parts.
Instruction No. 4.1680.	Unauthorized Entry of Motor Vehicle.

Volume 1 Table of Contents

- Instruction No. 4.1900. Criminal Conversion.
- Instruction No. 4.1920. Criminal Conversion—Motor Vehicle for Crime.
- Instruction No. 4.1940. Conversion by Borrower.
- Instruction No. 4.2200. Vending Machine Vandalism (Damaging).
- Instruction No. 4.2240. Vending Machine Vandalism (Removing Contents).
- Instruction No. 4.2400. Counterfeiting—Making or Uttering.
- Instruction No. 4.2420. Counterfeiting—Possessing.
- Instruction No. 4.2430. Counterfeiting (effective for crimes committed July 1, 2021 or after).
- Instruction No. 4.2460. Making or Delivering a False Sales Document.
- Instruction No. 4.2480. Possession of a Fraudulent Sales Document.
- Instruction No. 4.2600. Forgery.
- Instruction No. 4.2600(a). Forgery. (effective for crimes committed or or after July 1, 2021).
- Instruction No. 4.2620. Application Fraud.
- Instruction No. 4.2640. Counterfeit Government Issued Identification.
- Instruction No. 4.2660. Deception (Permitting Deposit in Insolvent Institution).
- Instruction No. 4.2680. Deception (False Statements).
- Instruction No. 4.2700. Deception (Misapplication of Property).
- Instruction No. 4.2720. Deception (False Weights or Measures).
- Instruction No. 4.2740. Deception (Fraudulently Obtaining Utilities).
- Instruction No. 4.2760. Deception (Misrepresentation of Identity, Quality of Property).
- Instruction No. 4.2780. Deception (Depositing Slugs).
- Instruction No. 4.2800. Deception (Possessing Slugs).
- Instruction No. 4.2820. Deception (False Advertising).
- Instruction No. 4.2840. Deception (Misrepresentation as a Physician).
- Instruction No. 4.2860. Deception (Defrauding Cable TV Provider).
- Instruction No. 4.2880. Deception (Unlawful Procurement of Government Contract).
- Instruction No. 4.2900. False Representation—Disadvantaged or Women-Owned Business.
- Instruction No. 4.2920. Identity Deception.
- Instruction No. 4.2920(a). Identity Deception. (for crimes committed July 1, 2021 or after).
- Instruction No. 4.2940. Terroristic Deception.
- Instruction No. 4.2940(a). Terroristic Deception (effective for crimes committed July 1, 2019 or after).
- Instruction No. 4.2960. Synthetic Identity Deception.
- Instruction No. 4.3000. Fraud. (effective for crimes committed July 1, 2021 or after).
- Instruction No. 4.3100. Fraud (Use of Credit Card).
- Instruction No. 4.3120. Fraud (Failing to Furnish Property on Credit Card).
- Instruction No. 4.3140. Fraud (Furnish Property with Intent to Defraud—Credit Card).
- Instruction No. 4.3160. Fraud (Selling or Receiving Credit Card).
- Instruction No. 4.3180. Fraud (Unlawful Security for Debt—Credit Card).
- Instruction No. 4.3300. Fraud (Property).
- Instruction No. 4.3320. Fraud (Receiving Unlawfully Obtained Property—I.C. 35-43-5-4(7). Credit Card).

Volume 1 Table of Contents

- Instruction No. 4.3322. Fraud (Conceals, Encumbers, or Transfers Property).
- Instruction No. 4.3324. Fraud (Damages Property).
- Instruction No. 4.3340. Fraud (Recordings).
- Instruction No. 4.3360. Possession of Card Skimming Device.
- Instruction No. 4.3800. Insurance Fraud—False Claim Statement.
- Instruction No. 4.3820. Insurance Fraud—False Statement.
- Instruction No. 4.3840. Insurance Fraud—Risks for Insolvent Insurer.
- Instruction No. 4.3860. Insurance Fraud—Removal of Insurer's Assets.
- Instruction No. 4.3880. Insurance Fraud—Concealment of Insurer's Assets.
- Instruction No. 4.4000. Insurance Fraud—Diversion of Funds.
- Instruction No. 4.4020. Insurance Fraud—Insurance Application Fraud.
- Instruction No. 4.4200. Manipulation Device.
- Instruction No. 4.4400. Check Deception.
- Instruction No. 4.4520. Sale or Distribution of Cable TV Devices.
- Instruction No. 4.4800. Welfare Fraud (Unlawfully Obtaining).
- Instruction No. 4.4820. Welfare Fraud (Unlawful Use).
- Instruction No. 4.4840. Welfare Fraud (Unlawful Use of Incomplete Documents).
- Instruction No. 4.4860. Welfare Fraud (Counterfeit Documents).
- Instruction No. 4.4880. Welfare Fraud (Concealing Information).
- Instruction No. 4.5200. Medicaid Fraud (Claim Violating I.C. 12-15).
- Instruction No. 4.5220. Medicaid Fraud (Payment by False Statement).
- Instruction No. 4.5400. Medicaid Fraud (Provider Number).
- Instruction No. 4.5420. Medicaid Fraud (Provider Documents).
- Instruction No. 4.5600. Medicaid Fraud (Concealing Information).
- Instruction No. 4.5900. Children's Health Insurance Program Fraud.
- Instruction No. 4.5920. Children's Health Insurance Program Fraud (Payment By False Statement).
- Instruction No. 4.5940. Children's Health Insurance Program Fraud (Provider Number).
- Instruction No. 4.5960. Children's Health Insurance Program Fraud (Provider Documents).
- Instruction No. 4.5980. Children's Health Insurance Program Fraud (Concealing Information).
- Instruction No. 4.8000. Fraud on a Financial Institution (Scheme to Defraud).
- Instruction No. 4.8020. Check Fraud (Use of NSF Check, False Information).
- Instruction No. 4.8040. Check Fraud (Insufficient Deposits).
- Instruction No. 4.8060. Check Fraud (Multiple Accounts).
- Instruction No. 4.9000. Possession of a Fraudulent Sales Document Manufacturing Device.
- Instruction No. 4.9020. Making a False Sales Document.
- Instruction No. 4.9040. Possession of Device or Substance Used to Interfere with Screening Test.
- Instruction No. 4.9060. Interfering with Screening Test.
- Instruction No. 4.9080. Inmate Fraud.
- Instruction No. 4.9300. Home Improvement Fraud (Misrepresentation).

Volume 1 Table of Contents

Instruction No. 4.9320.	Home Improvement Fraud (False Impression).
Instruction No. 4.9340.	Home Improvement Fraud (False Promise).
Instruction No. 4.9360.	Home Improvement Fraud (Deception).
Instruction No. 4.9380.	Home Improvement Fraud (Unconscionable Contract).
Instruction No. 4.9400.	Home Improvement Fraud (Assumed Name).
Instruction No. 4.9420.	Home Improvement Fraud (Failure to Provide Warranty).
Instruction No. 4.9440.	Home Improvement Fraud (Use of Diluted, Modified, or Altered Materials).
Instruction No. 4.9460.	Home Improvement Fraud (False Claim of Referral, Licensure, or Permit).
Instruction No. 4.9480.	Home Improvement Fraud (Illegal Practices to Obtain Home Improvement Contract).
Instruction No. 4.9700.	Altering Identification Number.
Instruction No. 4.9720.	Possession of Product With Altered Identification Number.
Instruction No. 4.9740.	Timber Spiking.
Instruction No. 4.9800.	Conversion or Misappropriation of Title Insurance Escrow Funds.
Instruction No. 4.9820.	Theft of Title Insurance Funds.

CHAPTER 5 OFFENSES AGAINST PUBLIC ADMINISTRATION

Instruction No. 5.0020.	Official Misconduct.
Instruction No. 5.0100.	Bribery (Person Bribing Public Servant).
Instruction No. 5.0120.	Bribery (Public Servant Taking Bribe).
Instruction No. 5.0140.	Bribery (Bribe to Third Person to Control a Public Servant).
Instruction No. 5.0160.	Bribery (Person With Intent to Control Public Servant).
Instruction No. 5.0300.	Bribery (Bribing Participant in Athletic Contest).
Instruction No. 5.0320.	Bribery (Participant in Athletic Contest Taking Bribe).
Instruction No. 5.0500.	Bribery (Witness or Informant Taking Bribe).
Instruction No. 5.0520.	Bribery (Bribing a Witness or Informant).
Instruction No. 5.0800.	Ghost Employment (Employer Who Hired and Assigned No Duties).
Instruction No. 5.0820.	Ghost Employment (Employer Who Assigned Nongovernmental Duties).
Instruction No. 5.0840.	Ghost Employment (Employee With No Duties).
Instruction No. 5.0860.	Ghost Employment (Employee With Nongovernmental Duties).
Instruction No. 5.0900.	Official Misconduct.
Instruction No. 5.1000.	Conflict of Interest.
Instruction No. 5.1200.	Profiteering from Public Service.
Instruction No. 5.1400.	Perjury.
Instruction No. 5.1600.	Obstruction of Justice (Coercion).
Instruction No. 5.1620.	Obstruction of Justice (Avoiding or Disobeying Process).
Instruction No. 5.1640.	Obstruction of Justice (Destroying Evidence).
Instruction No. 5.1660.	Obstruction of Justice (Falsifying Evidence).
Instruction No. 5.1680.	Obstruction of Justice (Influencing Juror).

Volume 1 Table of Contents

- Instruction No. 5.1685. Obstruction of Justice (Domestic Violence or Child Abuse Case).
- Instruction No. 5.1900. False Reporting.
- Instruction No. 5.2100. Assisting a Criminal.
- Instruction No. 5.2300. Impersonating a Public Servant.
- Instruction No. 5.2320. Impersonating a Police Officer or State Revenue Department Employee.
- Instruction No. 5.2400. Unlawful Manufacture or Sale of Police or Fire Insignia.
- Instruction No. 5.2600. Failure to Appear.
- Instruction No. 5.2800. Obstruction of Traffic.
- Instruction No. 5.3000. Resisting Law Enforcement (Use of Force).
- Instruction No. 5.3000(a). Resisting Law Enforcement (Use of Force) (effective for crimes committed July 1, 2019 or after).
- Instruction No. 5.3040. Resisting Law Enforcement (Fleeing).
- Instruction No. 5.3040(a). Resisting Law Enforcement (Fleeing) (effective for crimes committed July 1, 2019 or after).
- Instruction No. 5.3070. Interfering with Public Safety (Entering Prohibited Area) (effective for crimes committed July 1, 2019 or after).
- Instruction No. 5.3080. Interfering with Public Safety (Defense) (effective for crimes committed July 1, 2019 or after).
- Instruction No. 5.3200. Disarming a Law Enforcement Officer.
- Instruction No. 5.3400. Escape—Flight.
- Instruction No. 5.3500. Escape—Home Detention.
- Instruction No. 5.3600. Escape—Failure to Return.
- Instruction No. 5.3900. Trafficking with an Inmate.
- Instruction No. 5.4200. Possessing Deadly Weapon in Penal or Juvenile Facility.
- Instruction No. 5.4300. Trafficking with an Inmate Outside a Facility.
- Instruction No. 5.4400. Possession of Dangerous Material by Incarcerated Person.
- Instruction No. 5.4800. Failure of Offender to Register—Living in Indiana.
- Instruction No. 5.4900. Failure of Offender to Register—Property in Indiana.
- Instruction No. 5.5000. Failure of Offender to Register—Work in Indiana.
- Instruction No. 5.5100. Failure of Offender to Register—School in Indiana.
- Instruction No. 5.5400. Registration Misstatement or Omission.
- Instruction No. 5.5500. Failure to Register In Person.
- Instruction No. 5.5600. Failure to Reside at Registered Address or Location.
- Instruction No. 5.5900. Lifetime Parole Violation—Contact with Child or Victim.
- Instruction No. 5.6200. Sexual Misconduct by Service Provider.
- Instruction No. 5.6400. Failure of an Offender to Possess Identification.
- Instruction No. 5.6600. False Verification of Citizenship or Immigration Status.
- Instruction No. 5.6800. Transporting an Illegal Alien.
- Instruction No. 5.6900. Harboring an Illegal Alien.
- Instruction No. 5.7400. Violation of the Depository Rule.
- Instruction No. 5.7500. Public Safety Remote Aerial Interference.

Volume 1 Table of Contents

CHAPTER 6 OFFENSES AGAINST PUBLIC HEALTH, ORDER AND DECENCY

Instruction No. 6.0020.	Rioting.
Instruction No. 6.0060.	Disorderly Conduct.
Instruction No. 6.0200.	Intimidation.
Instruction No. 6.0400.	Public Indecency.
Instruction No. 6.0440.	Public Nudity.
Instruction No. 6.0600.	Prostitution.
Instruction No. 6.0640.	Making an Unlawful Proposition.
Instruction No. 6.0680.	Promoting Prostitution.
Instruction No. 6.0800.	Voyeurism.
Instruction No. 6.0820.	Remote Aerial Voyeurism.
Instruction No. 6.0840.	Public Voyeurism.
Instruction No. 6.1000.	Unlawful Gambling.
Instruction No. 6.1040.	Professional Gambling.
Instruction No. 6.1080.	Professional Gambling Over the Internet.
Instruction No. 6.1120.	Maintaining a Professional Gambling Site.
Instruction No. 6.1160.	Promoting Professional Gambling (Gambling Device).
Instruction No. 6.1200.	Promoting Professional Gambling (Gambling Information).
Instruction No. 6.1240.	Promoting Professional Gambling (Providing a Place).
Instruction No. 6.1500.	Corrupt Business Influence.
Instruction No. 6.1700.	Loansharking.
Instruction No. 6.2000.	Consumer Product Tampering (Poison).
Instruction No. 6.2040.	Consumer Product Tampering (Label).
Instruction No. 6.2300.	Criminal Organization Activity.
Instruction No. 6.2340.	Criminal Organization Intimidation.
Instruction No. 6.2380.	Criminal Organization Recruitment.
Instruction No. 6.2600.	Failure to Restrain a Dog.
Instruction No. 6.2800.	Stalking.
Instruction No. 6.2850.	Remote Aerial Harassment.
Instruction No. 6.3000.	Abuse of a Corpse.
Instruction No. 6.3200.	Unlawful Use of Telecommunication Services (Making Unlawful Telecommunication Device).
Instruction No. 6.3240.	Unauthorized Use of Telecommunication Services (Sale of Unlawful Telecommunications Device).
Instruction No. 6.3280.	Unauthorized Use of Telecommunication Services (Unlawful Plans or Instructions).
Instruction No. 6.3320.	Unauthorized Use of Telecommunication Services (Providing Materials).
Instruction No. 6.3360.	Unauthorized Use of Telecommunication Services (Publishing Information).
Instruction No. 6.3600.	Money Laundering.

Volume 1 Table of Contents

- Instruction No. 6.3640. Money Laundering.
- Instruction No. 6.4000. Malicious Mischief.
- Instruction No. 6.4040. Malicious Mischief with Food.
- Instruction No. 6.4400. Promoting Combative Fighting.
- Instruction No. 6.4700. Transferring Contaminated Body Fluids.
- Instruction No. 6.5000. Recklessly Violating or Failing to Comply with IC 16-41-7.
- Instruction No. 6.5400. Interference with Medical Services.

CHAPTER 7 MISCELLANEOUS OFFENSES

- Instruction No. 7.0020. Bigamy.
- Instruction No. 7.0100. Incest.
- Instruction No. 7.0140. Incest—Defense.
- Instruction No. 7.0300. Neglect of Dependent.
- Instruction No. 7.0300(a). Neglect of Dependent (effective for crimes committed July 1, 2019 or after).
- Instruction No. 7.0340. Neglect of a Dependent—Emergency Medical Provider Defense.
- Instruction No. 7.0380. Neglect of a Dependent—Defense.
- Instruction No. 7.0500. Child Selling.
- Instruction No. 7.0540. Child Selling—Exception.
- Instruction No. 7.0700. Reckless Supervision by a Child Care Provider.
- Instruction No. 7.0720. Non-support of a Dependent Child.
- Instruction No. 7.0740. Non-support of a Dependent Child—Defense.
- Instruction No. 7.0760. Non-support of a Dependent Child—Defense.
- Instruction No. 7.0780. Non-support of a Dependent Child—Defense.
- Instruction No. 7.0900. Non-support of a Spouse.
- Instruction No. 7.0940. Non-support of a Spouse—Defense.
- Instruction No. 7.1000. Contributing to Delinquency—Misdemeanor or Felony.
- Instruction No. 7.1040. Contributing to Delinquency—Furnishing Alcohol or Drugs.
- Instruction No. 7.1080. Contributing to the Delinquency of a Minor, with Enhancement for Inducing Criminal Act.
- Instruction No. 7.1200. Profiting from an Adoption.
- Instruction No. 7.1240. Profiting from an Adoption—Defense.
- Instruction No. 7.1250. Adoption Deception.
- Instruction No. 7.1260. Unauthorized Adoption Advertising.
- Instruction No. 7.1400. Exploitation of Dependent or Endangered Adult (Personal Services or Property) (for offenses committed before July 1, 2020).
- Instruction No. 7.1440. Exploitation of Dependent or Endangered Adult (Social Security Benefits) (for offenses committed before July 1, 2020).
- Instruction No. 7.1460. Exploitation of Dependent or Endangered Adult (Personal Services or Property) (for offenses committed July 1, 2020 or later).
- Instruction No. 7.1480. Exploitation of Dependent or Endangered Adult (Self-Dealing) (for offenses committed July 1, 2020 or later).

Volume 1 Table of Contents

- Instruction No. 7.1600. Invasion of Privacy.
- Instruction No. 7.1650. Invasion of Privacy by Certain Offenders.
- Instruction No. 7.1800. Harboring a Non-Immunized Dog.
- Instruction No. 7.1900. Carrying Handgun Without a License.
- Instruction No. 7.1920. Carrying Handgun Without a License—Defense.
- Instruction No. 7.1940. Possession of Firearms on School Property, at School Functions, or on School Bus.
- Instruction No. 7.1960. Prohibited Sale or Transfer of Handgun or Assault Weapon to Minor.
- Instruction No. 7.1960(a). Prohibited Sale or Transfer of a Machine Gun to Minor (effective for crimes committed July 1, 2019 or after).
- Instruction No. 7.1980. Defense to Prohibited Sale or Transfer of Handgun or Assault Weapon to Minor.
- Instruction No. 7.1980(a). Defense to Prohibited Sale or Transfer of a Handgun or Machine Gun to a Minor (effective for crimes committed July 1, 2019 or after).
- Instruction No. 7.2000. Prohibited Sale or Transfer of Handgun to Felon, Drug or Alcohol Abuser, or Incompetent.
- Instruction No. 7.2000(a). Prohibited Sale or Transfer to Ineligible Person (effective for crimes committed July 1, 2019 or after).
- Instruction No. 7.2020. Dangerous Possession of a Firearm—Non-Exempt Purpose.
- Instruction No. 7.2040. Dangerous Possession of Firearm—Providing to Another Child.
- Instruction No. 7.2060. Dangerous Control of Firearm.
- Instruction No. 7.2080. Dangerous Control of a Child.
- Instruction No. 7.2300. Obtaining a Handgun or Firearm by False Information.
- Instruction No. 7.2320. Using or Attempting to Use False or Altered Handgun License.
- Instruction No. 7.2340. Alteration, Removal or Obliteration of Identifying Marks of Firearms.
- Instruction No. 7.2360. Possession of an Altered Firearm.
- Instruction No. 7.2380. Improper Disposition of Confiscated Firearm.
- Instruction No. 7.2500. Dealing in a Sawed-Off Shotgun.
- Instruction No. 7.2520. Inference of Possession.
- Instruction No. 7.2540. Ownership or Possession of a Machine Gun.
- Instruction No. 7.2560. Operation of a Loaded Machine Gun.
- Instruction No. 7.2580. Possession of a Deadly Weapon When Boarding Aircraft.
- Instruction No. 7.2700. Pointing a Firearm—Level 6 felony.
- Instruction No. 7.2740. Possession of a Firearm in Violation of I.C. 35-47-4-5.
- Instruction No. 7.2745. Possession of a Firearm in Violation of I.C. 35-47-4-9.
- Instruction No. 7.2750. Unlawful Possession of a Firearm by an Alien.
- Instruction No. 7.2755. Unlawful Possession of a Firearm in Violation of I.C. 35-47-4-6.
- Instruction No. 7.2760. Possession, Manufacture, Sale, or Delivery of Armor-piercing Ammunition.
- Instruction No. 7.2780. Unlawful use of body armor.
- Instruction No. 7.2900. Terrorism.
- Instruction No. 7.2900(a). Terrorism (effective for crimes committed July 1, 2019 or after).

Volume 1 Table of Contents

- Instruction No. 7.2910. Supporting a Terrorist Act (effective for crimes committed July 1, 2019 or after).
- Instruction No. 7.2920. Harboring a Terrorist (effective for crimes committed July 1, 2019 or after).
- Instruction No. 7.2930. Terrorist Organization Activity (effective for crimes committed July 1, 2019 or after).
- Instruction No. 7.2940. Agricultural Terrorism.
- Instruction No. 7.2940(a). Agricultural Terrorism (effective for crimes committed July 1, 2019 or after).
- Instruction No. 7.2980. Terroristic Mischief.
- Instruction No. 7.2980(a). Terroristic Mischief (effective for crimes committed July 1, 2019 or after).
- Instruction No. 7.3100. Possession of Destructive Device.
- Instruction No. 7.3120. Possession of Regulated Explosive.
- Instruction No. 7.3140. Distribution of Regulated Explosive to a Felon.
- Instruction No. 7.3160. Distribution of Explosive to a Minor.
- Instruction No. 7.3180. Hoax Devices.
- Instruction No. 7.3200. Hindering Destructive Device Response.
- Instruction No. 7.3220. Possessing or Detonating Destructive Device.
- Instruction No. 7.3240. Use of Overpressure Device.
- Instruction No. 7.3400. Deploying a Booby Trap.
- Instruction No. 7.3500. Possession of Knife at School.
- Instruction No. 7.3700. Failure to Act as Required After Accident Involving Bodily Injury (Offenses Prior to Jan. 1, 2015).
- Instruction No. 7.3740. Leaving the Scene of an Accident Involving Other Persons (Offenses On or After Jan. 1, 2015).
- Instruction No. 7.3800. Operating a Motorboat While Intoxicated.
- Instruction No. 7.3800(a). Operating a Motorboat While Intoxicated (effective for crimes committed July 1, 2019 or after).
- Instruction No. 7.3900. Operating a Vehicle With Eight-hundredths (0.08) Gram of Alcohol, A misdemeanor.
- Instruction No. 7.3900(a). Operating a Vehicle With Eight-hundredths (0.08) Gram of Alcohol, A misdemeanor (effective for crimes committed July 1, 2019 or after).
- Instruction No. 7.3940. Operating a Vehicle With Fifteen-hundredths (0.15) Gram of Alcohol, A misdemeanor; With Passenger Under 18, Level 6 felony.
- Instruction No. 7.3940(a). Operating a Vehicle With Fifteen-hundredths (0.15) Gram of Alcohol, A misdemeanor; With Passenger Under 18, Level 6 felony (effective for crimes committed July 1, 2019 or after).
- Instruction No. 7.3980. Operating a Vehicle With Controlled Substance or Metabolite
- Instruction No. 7.3980(a). Operating a Vehicle With Controlled Substance or Metabolite (effective for crimes committed July 1, 2019 or after).
- Instruction No. 7.4200. Operating a Vehicle While Intoxicated.

Volume 1 Table of Contents

- Instruction No. 7.4200(a). Operating a Vehicle While Intoxicated (effective for crimes committed July 1, 2019 or after).
- Instruction No. 7.4240. Prima Facie Evidence of Intoxication.
- Instruction No. 7.4280. Operating a Vehicle With Eight-hundredths (0.08) Gram of Alcohol Causing Death of Law Enforcement Animal.
- Instruction No. 7.4280(a). Operating a Vehicle With Eight-hundredths (0.08) Gram of Alcohol Causing Death of Law Enforcement Animal (effective for crimes committed July 1, 2019 or after).
- Instruction No. 7.4400. Operating a Motor Vehicle While Suspended as an Habitual Traffic Violator.
- Instruction No. 7.4500. Validly Suspended.
- Instruction No. 7.4600. Presumption of Knowledge of Habitual Traffic Offender Suspension.
- Instruction No. 7.4700. Operating a Motor Vehicle in Violation of Restrictions Imposed for Being a Habitual Traffic Violator.
- Instruction No. 7.4800. Operating a Motor Vehicle When Driving Privileges Have Been Revoked for Life.
- Instruction No. 7.4800(a). Operating a Motor Vehicle When Driving Privileges Have Been Revoked for Life (effective for crimes committed July 1, 2019 or after).
- Instruction No. 7.4900. Reckless Operation in Highway Work Zone—Death.
- Instruction No. 7.4950. Reckless Failure to Obey Control Device or Flagman Instruction.
- Instruction No. 7.5000. Furnishing Alcoholic Beverage to a Minor.
- Instruction No. 7.5200. Neglect or Abandonment of an Animal.
- Instruction No. 7.5300. Purchase or Possession of Animals for Fighting Contests.
- Instruction No. 7.5340. Possession of Animal Fighting Paraphernalia.
- Instruction No. 7.5380. Promoting Animal Fighting Contest. Using Animal at Contest. Attending Contest With Animal.
- Instruction No. 7.5420. Promoting Animal Fighting Contest.
- Instruction No. 7.5460. Attending Animal Fighting Contest.
- Instruction No. 7.5600. Mistreatment or Interference With Law Enforcement Animal.
- Instruction No. 7.5640. Mistreatment or Interference With Search and Rescue Dog.
- Instruction No. 7.5680. Interference With or Mistreatment of Service Animal.
- Instruction No. 7.5800. Beating a Vertebrate Animal.
- Instruction No. 7.5840. Torture or Mutilation of a Vertebrate Animal.
- Instruction No. 7.6100. Killing a Domestic Animal.
- Instruction No. 7.6140. Defense of Reasonable Conduct Toward Animal.
- Instruction No. 7.6180. Domestic Violence Animal Cruelty.
- Instruction No. 7.6300. Bestiality.
- Instruction No. 7.6500. Unlawful Transfer of Human Tissue.
- Instruction No. 7.6700. Unlawful Cloning.
- Instruction No. 7.6800. Unlawful Transfer of Human Organism.
- Instruction No. 7.6900. Unlawful Use of Human Embryo.
- Instruction No. 7.7200. Using or Distributing Nitrous Oxide.

Volume 1 Table of Contents

- Instruction No. 7.7400. Unlawful Photography and Surveillance on Private Property.
Instruction No. 7.7450. Unauthorized Distribution of an Intimate Image (effective for crimes committed July 1, 2019 or after).
Instruction No. 7.7500. Unauthorized Use of DNA Information.

CHAPTER 8 CONTROLLED SUBSTANCES

- Instruction No. 8.0100. Dealing in Cocaine or a Narcotic Drug (Manufacturing, financing manufacture, delivering, financing delivery),
Instruction No. 8.0150. Dealing in Cocaine or a Narcotic Drug (Possession with intent to manufacture or finance manufacture).
Instruction No. 8.0200. Dealing in a controlled substance by a practitioner (effective for crimes committed July 1, 2019 or after).
Instruction No. 8.0300. Dealing in Methamphetamine.
Instruction No. 8.0400. Manufacturing Methamphetamine.
Instruction No. 8.0800. Dealing in a Schedule I, II, or III Controlled Substance.
Instruction No. 8.0800(a). Dealing in a Schedule I, II, or III Controlled Substance (effective for crimes committed July 1, 2019 or after).
Instruction No. 8.0900. Dealing in a Schedule I, II, or III Controlled Substance Resulting in Death.
Instruction No. 8.1000. Dealing in a Schedule IV Controlled Substance.
Instruction No. 8.1000(a). Dealing in a Schedule IV Controlled Substance (effective for crimes committed July 1, 2019 or after).
Instruction No. 8.1100. Dealing in a Schedule IV Controlled Substance Resulting in Death.
Instruction No. 8.1200. Dealing in a Schedule V Controlled Substance.
Instruction No. 8.1200(a). Dealing in a Schedule V Controlled Substance (effective for crimes committed July 1, 2019 or after).
Instruction No. 8.1300. Dealing in a Schedule V Controlled Substance Resulting in Death.
Instruction No. 8.1500. Dumping Controlled Substance Waste.
Instruction No. 8.1800. Dealing in Substance Represented to Be Controlled Substance.
Instruction No. 8.1900. Manufacture or Distribution of Substance Represented to Be Controlled Substance.
Instruction No. 8.2000. Manufacture or Distribution of Substance Represented to Be Controlled Substance (effective for crimes committed July 1, 2019 or after).
Instruction No. 8.2200. Dealing in a Counterfeit Substance.
Instruction No. 8.2500. Possession of Cocaine or a Narcotic Drug.
Instruction No. 8.2700. Possession of Methamphetamine.
Instruction No. 8.3000. Possession of a I, II, III, or IV Controlled Substance.
Instruction No. 8.3000(a). Possession of a I, II, III, or IV Controlled Substance (effective for crimes committed July 1, 2019 or after).
Instruction No. 8.3300. Possession of a Schedule V Substance.
Instruction No. 8.3700. Possessing Ammonia with Intent to Manufacture Methamphetamine.

Volume 1 Table of Contents

- Instruction No. 8.3900. Possessing Reagents or Precursors with Intent to Manufacture Controlled Substance.
- Instruction No. 8.4100. Possessing Ephedrine, Pseudoephedrine or Phenylpropanolamin.
- Instruction No. 8.4500. Unlawful Sale of a Precursor.
- Instruction No. 8.4700. Possession of Precursor.
- Instruction No. 8.5000. Manufacture of Paraphernalia.
- Instruction No. 8.5200. Dealing in Paraphernalia.
- Instruction No. 8.5400. Possession of Paraphernalia.
- Instruction No. 8.5700. Dealing in Marijuana, Hash Oil, Hashish, or Salvia.
- Instruction No. 8.6000. Dealing in a Synthetic Drug or Synthetic Drug Lookalike Substance (Infraction as basis for Level 6 Felony).
- Instruction No. 8.6200. Dealing in a Synthetic Drug or Synthetic Drug Lookalike Substance (Misdemeanor).
- Instruction No. 8.6500. Possession of Marijuana, Hash Oil, Hashish, or Salvia.
- Instruction No. 8.6700. Possession of Synthetic Drug or Synthetic Drug Lookalike Substance.
- Instruction No. 8.6900. Unlawful Possession of a Legend Drug.
- Instruction No. 8.7100. Unlawful Possession of an Injection Device.
- Instruction No. 8.7400. Exposure of a Minor or Endangered Adult to Drugs or Controlled Substances.
- Instruction No. 8.7600. Maintaining a Common Nuisance.
- Instruction No. 8.7650. Defense to Maintaining a Common Nuisance.
- Instruction No. 8.7800. Distribution in Violation of I.C. 35-48-3.
- Instruction No. 8.8000. Manufacture or Distribution Unauthorized by Registration.
- Instruction No. 8.8200. Failure to Document.
- Instruction No. 8.8400. Refusal of Inspection.
- Instruction No. 8.8600. Distribution Without an Order Form.
- Instruction No. 8.8800. Use of Fictitious Registration Number.
- Instruction No. 8.9000. False Documentation.
- Instruction No. 8.9200. Counterfeit Trademarking.
- Instruction No. 8.9300. Dealing in a Controlled Substance by a Practitioner.
- Instruction No. 8.9400. Possession of a Controlled Substance by Misrepresentation.
- Instruction No. 8.9600. False Labeling of a Controlled Substance.
- Instruction No. 8.9800. Unlawful Duplication of Prescription Pads.

CHAPTER 9 BASIS OF LIABILITY

- Instruction No. 9.0020. Territorial Jurisdiction—Conduct or Result Element in Indiana.
- Instruction No. 9.0040. Territorial Jurisdiction—Homicide.
- Instruction No. 9.0060. Territorial Jurisdiction—Homicide—Body Found in Indiana.
- Instruction No. 9.0080. Voluntary Conduct.
- Instruction No. 9.0100. Voluntary Conduct—Possession of Property.
- Instruction No. 9.0120. Culpability.
- Instruction No. 9.0140. Transferred Intent.

Volume 1 Table of Contents

CHAPTER 10 DEFENSES RELATING TO CULPABILITY

- Instruction No. 10.0100. Legal Authority.
- Instruction No. 10.0200. Defense of Parent to Exercise Reasonable Discipline.
- Instruction No. 10.0300. Use of Force to Protect Person.
- Instruction No. 10.0400. Use of Force to Protect Dwelling.
- Instruction No. 10.0500. Use of Force to Protect Property.
- Instruction No. 10.0600. Use of Force to Protect an Aircraft.
- Instruction No. 10.0700. Use of Force Against a Public Servant to Protect Person.
- Instruction No. 10.0800. Use of Force Against a Public Servant to Protect Dwelling, Curtilage, or Motor Vehicle.
- Instruction No. 10.0900. Use of Force Against a Public Servant to Protect Property.
- Instruction No. 10.1000. Use of Deadly Force Against a Public Servant.
- Instruction No. 10.1100. Citizen's Use of Reasonable Force Relating to Arrest or Escape.
- Instruction No. 10.1200. Law Enforcement Officer's Use of Force Relating to Arrest or Escape.
- Instruction No. 10.1300. Intoxication—Involuntary.
- Instruction No. 10.1400. Intoxication—Voluntary.
- Instruction No. 10.1500. Mistake of Fact.
- Instruction No. 10.1600. Duress.
- Instruction No. 10.1700. Entrapment.
- Instruction No. 10.1800. Abandonment.
- Instruction No. 10.1900. Accident.
- Instruction No. 10.2000. Alibi.
- Instruction No. 10.2100. Necessity.

INDIANA JUDGES ASSOCIATION

BOARD OF MANAGERS

2021–2022

OFFICERS

Hon. Darrin M. Dolehanty, President
Judge, Wayne Superior Court #3

Hon. Heather A. Welch, Vice President
Judge, Marion Superior Court

Hon. Mark E. Spitzer, Secretary-Treasurer
Judge, Grant Circuit Court

Hon. Vicki L. Carmichael, Past President
Clark Circuit Court #4

EX OFFICIO MEMBERS

Chief Justice Loretta H. Rush
Chief Justice of Indiana

Chief Judge Cale J. Bradford
Indiana Court of Appeals

DISTRICT REPRESENTATIVES

District 1
Judge Gina L. Jones

District 12
Judge Matthew Headley

District 2
Judge Jeffrey W Clymer

District 13
Judge R. Kent Apsley

District 3
Judge Elizabeth Cardwell Hurley

District 14
Judge Matthew Bailey

District 4
Judge William Fee

District 15
Judge Gregory A. Smith

District 5
Judge David M. Zent

District 16
Judge J. Terrence Cody

District 6
Judge Daniel Banina

District 17
Judge Leslie Shively

District 7
Judge Stephanie S. Campbell

District 18
Magistrate Carolyn S. Foley

2021-2022 BOARD OF MANAGERS

District 8
Judge Kimberly S. Dowling

District 9
Judge Bob A. Witham

District 10
Judge A. Douglas Stephens and
Judge Alicia A. Gooden and
Judge Clayton A. Graham

District 11
Judge William J. Hughes

District 19
Magistrate Andrew R. Bloch

District 20
Senior Judge G. Thomas Gray

District 21
Judge Elizabeth F. Tavitias

MEMBERS AT LARGE

Magistrate Rosanne T. Ang

Judge Paul A. Felix

Judge Garland E. Graves

Judge Cristal C. Brisco

Judge Robert W. Freese

CRIMINAL INSTRUCTIONS COMMITTEE

2021–2022

Hon. Matthew Kincaid

Chair

Boone Superior Court #1, Lebanon

Hon. Gregory Coy

Switzerland Circuit Court, Vevay

Hon. Cale J. Bradford

Indiana Court of Appeals, Indianapolis

Mag. Richard Hagenmaier

Marion Superior Court, Indianapolis

Mag. James Snyder

Marion Superior Court, Indianapolis

Hon. Charnette Garner

Marion Superior Court, Indianapolis

Hon. Kim Hall

Starke Circuit Court, Knox

Hon. J. Richard Campbell

Hamilton Superior Court #4, Noblesville

Hon. Steven Meyer

Tippecanoe Superior Court No. 2, Lafayette

Hon. Kristen McVey

Tippecanoe Superior Court, Lafayette

Mag. Samuel R. Keirns

Allen Superior Court, Fort Wayne

Hon. Mark Stoner

Marion Superior Court, Indianapolis

Hon. Robert Hans Pate

Howard Superior Court #4, Kokomo

Hon. R. Kent Apsley

Shelby Superior Court, Shelbyville

CRIMINAL INSTRUCTIONS
COMMITTEE

2021-2022

Chairman: Hon. Robert H. Jones
Hon. Robert H. Jones, Chairman
Hon. Robert H. Jones, Chairman

Members: Hon. Robert H. Jones, Chairman
Hon. Robert H. Jones, Chairman
Hon. Robert H. Jones, Chairman

Hon. Robert H. Jones, Chairman
Hon. Robert H. Jones, Chairman
Hon. Robert H. Jones, Chairman

Hon. Robert H. Jones, Chairman
Hon. Robert H. Jones, Chairman
Hon. Robert H. Jones, Chairman

Hon. Robert H. Jones, Chairman
Hon. Robert H. Jones, Chairman
Hon. Robert H. Jones, Chairman

Hon. Robert H. Jones, Chairman
Hon. Robert H. Jones, Chairman
Hon. Robert H. Jones, Chairman

Hon. Robert H. Jones, Chairman
Hon. Robert H. Jones, Chairman
Hon. Robert H. Jones, Chairman

Hon. Robert H. Jones, Chairman
Hon. Robert H. Jones, Chairman
Hon. Robert H. Jones, Chairman

Hon. Robert H. Jones, Chairman
Hon. Robert H. Jones, Chairman
Hon. Robert H. Jones, Chairman

Hon. Robert H. Jones, Chairman
Hon. Robert H. Jones, Chairman
Hon. Robert H. Jones, Chairman

- Instruction No. 3.5240(a). Child Seduction—Professional Relationship (effective for crimes committed July 1, 2019 or after).
- Instruction No. 3.5400. Sexual Battery.
- Instruction No. 3.5450. Female Genital Mutilation.
- Instruction No. 3.5700. Robbery.
- Instruction No. 3.5750. Pharmacy Robbery.
- Instruction No. 3.6100. Overpass Mischief.
- Instruction No. 3.6200. Human Trafficking Definitions.
- Instruction No. 3.6300. Promotion of Human Labor Trafficking.
- Instruction No. 3.6400. Promotion of Human Sexual Trafficking.
- Instruction No. 3.6500. Child Sexual Trafficking.
- Instruction No. 3.6700. Human Trafficking.
- Instruction No. 3.6800. Promotion of Child Sexual Trafficking.
- Instruction No. 3.6900. Promotion of Sexual Trafficking of Younger Child.
- Instruction No. 3.7100. Sex Offender Internet Offense.
- Instruction No. 3.7150. Sex Offender Unmanned Aerial Vehicle Offense.
- Instruction No. 3.7500. Inappropriate Communication with a Child.

Instruction No. 3.0100. Murder—Killing a Human Being.**I.C. 35-42-1-1.**

The crime of murder is defined by law as follows:

A person who knowingly or intentionally kills another human being commits murder, a felony.

Before you may convict the Defendant, the State must have proved each of the following beyond a reasonable doubt:

1. The Defendant
2. knowingly or intentionally
3. killed
4. (name).

If the State failed to prove each of these elements beyond a reasonable doubt, you must find the Defendant not guilty of murder, a felony, charged in Count _____.

Comments

The following term is defined by law: “human being” (I.C. 35-31.5-2-160; Instruction No. 14.2140).

(Text continued on page 3-5)

Instruction No. 3.1900(a). Domestic Battery (effective for crimes committed July 1, 2019 or after).

I.C. 35-42-2-1.3.

The crime of domestic battery is defined by law as follows:

A person who knowingly or intentionally [touches a family or household member in a rude, insolent, or angry manner] [in a rude, insolent, or angry manner places any bodily fluid or waste on a family or household member] commits domestic battery, a Class A misdemeanor.

[The offense is a Level 6 felony if one or more of the following apply:

- The person who committed the offense has a previous, unrelated conviction for a battery or a strangulation offense
- the person was at least eighteen (18) years of age and committed the offense against a family or household member in the physical presence of a child less than sixteen (16) years of age, knowing that the child was present and might be able to see or hear the offense
- the offense results in moderate bodily injury to a family or household member
- the person is at least eighteen (18) years of age and the offense is committed against a family or household member who is less than fourteen (14) years of age
- the offense is committed against a family or household member of any age who has a mental or physical disability and is committed by a person having the care of the family or household member with the mental or physical disability, whether the care is assumed voluntarily or because of a legal obligation
- the offense is committed against a family or household member who is an endangered adult (as defined in IC 12-10-3-2).]

[The offense is a Level 5 felony if one or more of the following apply:

- the offense results in serious bodily injury to a family or household member
- the offense is committed with a deadly weapon against a family or household member
- the offense results in bodily injury to a pregnant family or household member if the person knew of the pregnancy
- the person has a previous conviction for a battery or strangulation offense against the same family or household member
- the offense results in bodily injury to
- a family or household member who is less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age
- a family or household member who has a mental or physical disability if the offense is committed by a person having the care of the family or household

member with the disability, regardless of whether the care is assumed voluntarily or because of a legal obligation, or

- a family or household member who is an endangered adult (as defined in IC 12-10-3-2).]

[The offense is a Level 4 felony if it results in serious bodily injury to a family or household member who is an endangered adult (as defined in IC 12-10-3-2).]

[The offense is a Level 3 felony if it results in serious bodily injury to a family or household member who is less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.]

[The offense is a Level 2 felony if it results in the death of one (1) or more of the following:

- a family or household member who is less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age
- a family or household member who is an endangered adult (as defined in IC 12-10-3-2).]

Before you may convict the Defendant, the State must have proved each of the following beyond a reasonable doubt:

1. The Defendant
2. knowingly or intentionally
3. in a rude, insolent, or angry manner
4. [touched] [placed bodily fluid or waste on] _____ (name), who was a family or household member of Defendant _____

[5.] (For Level 6 felony)

{and the Defendant who committed the offense has a previous, unrelated conviction for a battery or strangulation offense} _____

{and Defendant was at least eighteen (18) years of age and committed the offense against a family or household member in the physical presence of _____ (name child), who was a child less than sixteen (16) years of age, when Defendant knew that the child was present and might be able to see or hear the offense} _____

{and the offense resulted in moderate bodily injury to _____ (name), who was a family or household member of Defendant _____}

{and Defendant was at least eighteen (18) years of age and _____ (name) against whom the offense was committed was less than fourteen (14) years of age} _____

{and _____ (name) against whom the offense was committed had a mental or physical disability and Defendant had the care of _____ (name), whether the care was assumed voluntarily or because of a legal obligation}

{and _____ (name) against whom the offense was committed was an endangered adult}.]

[6. (For Level 5 felony)

{and the Defendant has a previous conviction for a battery or strangulation offense against the same family or household member}

{and the offense resulted in serious bodily injury to _____ (name), who was a family or household member of Defendant}

{and the offense was committed with a deadly weapon against _____ (name), who was a family or household member of Defendant}

{and the offense resulted in bodily injury to _____ (name), who was a pregnant family or household member of Defendant and Defendant knew of the pregnancy}

{and the offense resulted in bodily injury to _____ (name), who was less than fourteen (14) years of age and who was a family or household member of Defendant, and Defendant was at least eighteen (18) years of age}

{and the offense resulted in bodily injury to _____ (name), who had a mental or physical disability and was a family or household member of Defendant and Defendant had the care of _____ (name), whether the care was assumed voluntarily or because of a legal obligation}

{and the offense resulted in bodily injury to _____ (name), an endangered adult who was a family or household member of Defendant}.]

[7. (For Level 4 felony) and the offense resulted in serious bodily injury to (name), who was an endangered adult and a family or household member of Defendant}.]

[8. (For Level 3 felony) and the offense resulted in bodily injury to _____ (name), who was less than fourteen (14) years of age and who was a family or household member of Defendant, and Defendant was at least eighteen (18) years of age.]

[9. (For Level 2 felony) and the offense resulted in the death of:

{_____ (name), who was less than fourteen (14) years of age and who was a family or household member of Defendant, and Defendant was at least eighteen (18) years of age}

{_____ (name), an endangered adult who was a family or household member of Defendant}.]

If the State failed to prove each of these elements beyond a reasonable doubt, you must find the Defendant not guilty of domestic battery, a Class A misdemeanor/Level 6/5/4/3/2 felony, charged in Count _____.

Comments

The following term is defined by law: “bodily injury” (I.C. 35-31.5-2-29, Instruction No. 14.0420); “deadly weapon” (I.C. 34-31.5-2-86, Instruction No. 14.1040); “endangered adult” (I.C. 12-10-3-2; Instruction No. 14.1480); “family or household member” (I.C. 35-31.5-2-128; Instruction No. 14.1605); “moderate bodily injury” (I.C. 35-31.5-2-204.5; Instruction No. 14.2650); and “serious bodily injury” (I.C. 35-31.5-2-291; Instruction No. 14.3620).

Domestic battery is a Level 6 felony if Defendant committed the Class A misdemeanor when Defendant had a previous unrelated conviction for a I.C. 35-42-2 battery offense or strangulation offense in I.C. 35-42-2-9. Trial of Level 6 felony domestic battery based on such a prior conviction must be bifurcated. *See* Chapter 15, Instruction No. 15.2240.

Domestic battery is a Level 5 felony if Defendant committed the Class A misdemeanor when Defendant had a previous unrelated conviction for an I.C. 35-42-2 battery or strangulation offense against the same family or household member. Trial of Level 5 felony domestic battery based on such a prior conviction must be bifurcated. *See* Chapter 15, Instruction No. 15.2245.

(Text continued on page 3-37)

Warren v. State, 701 N.E.2d 902 (Ind. Ct. App. 1998), supports implication of a “knowingly” mental culpability element in sexual battery. For this reason, the Committee has used “knowingly” as the appropriate element. If the State does choose to allege “intentionally,” then “intentionally” should replace “knowingly.” If the State chooses to allege “knowingly or intentionally,” then “knowingly or intentionally” should replace “knowingly.”

Instruction No. 3.5450. Female Genital Mutilation.**I.C. 35-42-2-10.**

The crime of female genital mutilation is defined by law as follows:

A person who:

- (1) knowingly or intentionally performs the act of female genital mutilation on a child who is less than eighteen (18) years of age;
- (2) is a parent, guardian, or custodian of the child and consents to, permits, or facilitates the act of female genital mutilation to be performed on the child; or
- (3) knowingly transports or facilitates the transportation of the child for the purpose of the act of female genital mutilation to be performed on the child; commits the offense of female genital mutilation, a Level 3 felony.

It is a defense to a prosecution of female genital mutilation that:

- (1) the person performing the act is a physician (as defined in 39 IC 16-18-2-282) or a licensed health care professional (as defined in IC 16-18-2-162) and the act is within the scope of the person's license and official duties; or
- (2) the act is performed for medical purposes to preserve or protect the physical health of the child.

It is not a defense to a prosecution for female genital mutilation that:

- (1) the child or the child's parent, guardian, or custodian consented to the act of female genital mutilation; or
- (2) the act of female genital mutilation is:
 - (A) required by custom or is standard practice of a particular group; or
 - (B) performed in connection with a religious ritual.

Before you may convict the Defendant, the State must have proved each of the following elements beyond a reasonable doubt:

1. The Defendant
2. knowingly or intentionally
3. performed the act of female genital mutilation on a child who is less than eighteen (18) years of age

[or]

is a parent, guardian, or custodian of the child and consents to, permits, or facilitates female genital mutilation to be performed on the child

[or]

knowingly transports or facilitates the transportation of the child for the

purpose of having an act described in subdivision (1) performed on the child

If the State failed to prove each of these elements beyond a reasonable doubt, you must find the defendant not guilty of female genital mutilation, a Level 3 felony, charged in Count _____.

Comments

The following terms are defined by law: "female genital mutilation" (I.C. I.C. 35-42-2-10; Instruction No. 14.1670).

Instruction No. 3.5700. Robbery.**I.C. 35-42-5-1.**

The crime of robbery is defined by law as follows:

A person who knowingly or intentionally takes property from another person or from the presence of another person [by using or threatening the use of force on any person] [by putting any person in fear] commits robbery, a Level 5 felony.

[The offense is a Level 3 felony if it (is committed while armed with a deadly weapon) (results in bodily injury to any person other than a defendant).] [The offense is a Level 2 felony if it results in serious bodily injury to any person other than a defendant.]

Before you may convict the Defendant, the State must have proved each of the following elements beyond a reasonable doubt:

1. The Defendant
2. knowingly or intentionally
3. took property from _____ [name]

[or]

took property from the presence of _____ [name]

4. [by using or threatening the use of force on (name)]

[or]

[by putting (name) in fear]

- [5. and

(for Level 3 felony) (when committing the offense Defendant was armed with a deadly weapon)

(or)

(for Level 3 felony) (the commission of the offense resulted in bodily injury to _____ [name person other than Defendant])

(or)

(for Level 2 felony) (the commission of the offense resulted in serious bodily injury to [name person other than Defendant]).]

If the State failed to prove each of these elements beyond a reasonable doubt, you must find the Defendant not guilty of robbery, a Level 5/3/2 felony, charged in Count _____.

Comments

The following terms are defined by law: "bodily injury" (I.C. 35-31.5-2-29,

(Text continued on page 3-101)

IN RE: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

CHAPTER 4

OFFENSES AGAINST PROPERTY (effective for crimes committed July 1, 2014 or after, unless otherwise noted)

SYNOPSIS

Instruction No. 4.0020.	Arson (Damaging dwelling).
Instruction No. 4.0040.	Arson (Endangering human life).
Instruction No. 4.0060.	Arson (Loss at least \$5,000).
Instruction No. 4.0080.	Arson (Structure Used for Religious Worship).
Instruction No. 4.0100.	Arson (For Hire).
Instruction No. 4.0120.	Arson (Intent to Defraud).
Instruction No. 4.0140.	Arson (Property Damage \$250 to \$5,000).
Instruction No. 4.0400.	Criminal Mischief—Damaging Property (B misdemeanor).
Instruction No. 4.0420.	Criminal Mischief—Damaging Property (Class A Misdemeanor).
Instruction No. 4.0440.	Criminal Mischief—Damaging Property (Level 6 felony).
Instruction No. 4.0460.	Institutional Criminal Mischief.
Instruction No. 4.0465.	Controlled Substances Criminal Mischief.
Instruction No. 4.0470.	Foreclosure Mischief.
Instruction No. 4.0480.	Cemetery Mischief.
Instruction No. 4.0500.	Damage to Cemetery Monuments or Grave Markers.
Instruction No. 4.0520.	Railroad Mischief—Locomotive and Cars.
Instruction No. 4.0540.	Railroad Mischief—Signal Systems.
Instruction No. 4.0560.	Railroad Mischief—Rail Systems.
Instruction No. 4.0660.	Cave Mischief.
Instruction No. 4.0680.	Tampering with Water Supply.
Instruction No. 4.0900.	Altering Historical Property.
Instruction No. 4.0920.	Offense Against Intellectual Property.
Instruction No. 4.0940.	Offense Against Computer Users.
Instruction No. 4.1100.	Burglary.
Instruction No. 4.1120.	Residential Entry.
Instruction No. 4.1140.	Criminal Trespass (Entering Real Property).

- Instruction No. 4.1143. Criminal Trespass (Vacant Property).
- Instruction No. 4.1160. Criminal Trespass (Refusing to Leave Real Property).
- Instruction No. 4.1180. Criminal Trespass (Vehicles).
- Instruction No. 4.1300. Criminal Trespass (Interfering with Possession of Property).
- Instruction No. 4.1320. Criminal Trespass (Entering a Dwelling Without Consent).
- Instruction No. 4.1340. Criminal Trespass (Train Travel Without Consent).
- Instruction No. 4.1360. Computer Trespass.
- Instruction No. 4.1600. Theft.
- Instruction No. 4.1610. Organized Theft.
- Instruction No. 4.1620. Dealing in Altered Property.
- Instruction No. 4.1640. Auto Theft.
- Instruction No. 4.1650. Valuable Metal Dealer Offenses.
- Instruction No. 4.1660. Receiving Stolen Auto Parts.
- Instruction No. 4.1680. Unauthorized Entry of Motor Vehicle.
- Instruction No. 4.1900. Criminal Conversion.
- Instruction No. 4.1920. Criminal Conversion—Motor Vehicle for Crime.
- Instruction No. 4.1940. Conversion by Borrower.
- Instruction No. 4.2200. Vending Machine Vandalism (Damaging).
- Instruction No. 4.2240. Vending Machine Vandalism (Removing Contents).
- Instruction No. 4.2400. Counterfeiting—Making or Uttering.
- Instruction No. 4.2420. Counterfeiting—Possessing.
- Instruction No. 4.2430. Counterfeiting (effective for crimes committed July 1, 2021 or after).
- Instruction No. 4.2460. Making or Delivering a False Sales Document.
- Instruction No. 4.2480. Possession of a Fraudulent Sales Document.
- Instruction No. 4.2600. Forgery.
- Instruction No. 4.2600(a). Forgery (effective for crimes committed or after July 1, 2021).
- Instruction No. 4.2620. Application Fraud.
- Instruction No. 4.2640. Counterfeit Government Issued Identification.
- Instruction No. 4.2660. Deception (Permitting Deposit in Insolvent Institution).
- Instruction No. 4.2680. Deception (False Statements).
- Instruction No. 4.2700. Deception (Misapplication of Property).
- Instruction No. 4.2720. Deception (False Weights or Measures).
- Instruction No. 4.2740. Deception (Fraudulently Obtaining Utilities).
- Instruction No. 4.2760. Deception (Misrepresentation of Identity, Quality of Property).
- Instruction No. 4.2780. Deception (Depositing Slugs).
- Instruction No. 4.2800. Deception (Possessing Slugs).
- Instruction No. 4.2820. Deception (False Advertising).
- Instruction No. 4.2840. Deception (Misrepresentation as a Physician).
- Instruction No. 4.2860. Deception (Defrauding Cable TV Provider).

- Instruction No. 4.2880. Deception (Unlawful Procurement of Government Contract).
- Instruction No. 4.2900. False Representation—Disadvantaged or Women-Owned Business.
- Instruction No. 4.2920. Identity Deception.
- Instruction No. 4.2920(a). Identity Deception (for crimes committed July 1, 2021 or after).
- Instruction No. 4.2940. Terroristic Deception.
- Instruction No. 4.2940(a). Terroristic Deception (effective for crimes committed July 1, 2019 or after).
- Instruction No. 4.2960. Synthetic Identity Deception.
- Instruction No. 4.3000. Fraud (effective for crimes committed July 1, 2021 or after).
- Instruction No. 4.3100. Fraud (Use of Credit Card).
- Instruction No. 4.3120. Fraud (Failing to Furnish Property on Credit Card).
- Instruction No. 4.3140. Fraud (Furnish Property with Intent to Defraud—Credit Card).
- Instruction No. 4.3160. Fraud (Selling or Receiving Credit Card).
- Instruction No. 4.3180. Fraud (Unlawful Security for Debt—Credit Card).
- Instruction No. 4.3300. Fraud (Property).
- Instruction No. 4.3320. Fraud (Receiving Unlawfully Obtained Property—Credit Card).
- Instruction No. 4.3322. Fraud (Conceals, Encumbers, or Transfers Property).
- Instruction No. 4.3324. Fraud (Damages Property).
- Instruction No. 4.3340. Fraud (Recordings).
- Instruction No. 4.3360. Possession of Card Skimming Device.
- Instruction No. 4.3800. Insurance Fraud—False Claim Statement.
- Instruction No. 4.3820. Insurance Fraud—False Statement.
- Instruction No. 4.3840. Insurance Fraud—Risks for Insolvent Insurer.
- Instruction No. 4.3860. Insurance Fraud—Removal of Insurer's Assets.
- Instruction No. 4.3880. Insurance Fraud—Concealment of Insurer's Assets.
- Instruction No. 4.4000. Insurance Fraud—Diversion of Funds.
- Instruction No. 4.4020. Insurance Fraud—Insurance Application Fraud.
- Instruction No. 4.4200. Manipulation Device.
- Instruction No. 4.4400. Check Deception.
- Instruction No. 4.4520. Sale or Distribution of Cable TV Devices.
- Instruction No. 4.4800. Welfare Fraud (Unlawfully Obtaining).
- Instruction No. 4.4820. Welfare Fraud (Unlawful Use).
- Instruction No. 4.4840. Welfare Fraud (Unlawful Use of Incomplete Documents).
- Instruction No. 4.4860. Welfare Fraud (Counterfeit Documents).
- Instruction No. 4.4880. Welfare Fraud (Concealing Information).
- Instruction No. 4.5200. Medicaid Fraud (Claim Violating I.C. 12-15).
- Instruction No. 4.5220. Medicaid Fraud (Payment by False Statement).
- Instruction No. 4.5400. Medicaid Fraud (Provider Number).
- Instruction No. 4.5420. Medicaid Fraud (Provider Documents).

- Instruction No. 4.5600. Medicaid Fraud (Concealing Information).
- Instruction No. 4.5900. Children's Health Insurance Program Fraud.
- Instruction No. 4.5920. Children's Health Insurance Program Fraud (Payment By False Statement).
- Instruction No. 4.5940. Children's Health Insurance Program Fraud (Provider Number).
- Instruction No. 4.5960. Children's Health Insurance Program Fraud (Provider Documents).
- Instruction No. 4.5980. Children's Health Insurance Program Fraud (Concealing Information).
- Instruction No. 4.8000. Fraud on a Financial Institution (Scheme to Defraud).
- Instruction No. 4.8020. Check Fraud (Use of NSF Check, False Information).
- Instruction No. 4.8040. Check Fraud (Insufficient Deposits).
- Instruction No. 4.8060. Check Fraud (Multiple Accounts).
- Instruction No. 4.9000. Possession of a Fraudulent Sales Document Manufacturing Device.
- Instruction No. 4.9020. Making a False Sales Document.
- Instruction No. 4.9040. Possession of Device or Substance Used to Interfere with Screening Test.
- Instruction No. 4.9060. Interfering with Screening Test.
- Instruction No. 4.9080. Inmate Fraud.
- Instruction No. 4.9300. Home Improvement Fraud (Misrepresentation).
- Instruction No. 4.9320. Home Improvement Fraud (False Impression).
- Instruction No. 4.9340. Home Improvement Fraud (False Promise).
- Instruction No. 4.9360. Home Improvement Fraud (Deception).
- Instruction No. 4.9380. Home Improvement Fraud (Unconscionable Contract).
- Instruction No. 4.9400. Home Improvement Fraud (Assumed Name).
- Instruction No. 4.9420. Home Improvement Fraud (Failure to Provide Warranty).
- Instruction No. 4.9440. Home Improvement Fraud (Use of Diluted, Modified, or Altered Materials).
- Instruction No. 4.9460. Home Improvement Fraud (False Claim of Referral, Licensure, or Permit).
- Instruction No. 4.9480. Home Improvement Fraud (Illegal Practices to Obtain Home Improvement Contract).
- Instruction No. 4.9700. Altering Identification Number.
- Instruction No. 4.9720. Possession of Product With Altered Identification Number.
- Instruction No. 4.9740. Timber Spiking.
- Instruction No. 4.9800. Conversion or Misappropriation of Title Insurance Escrow Funds.
- Instruction No. 4.9820. Theft of Title Insurance Funds.

(Text continued on page 4-5)

Instruction No. 4.1600. Theft.**I.C. 35-43-4-2.**

The crime of theft is defined by law as follows:

A person who [knowingly][intentionally] exerts unauthorized control over property of another person, with intent to deprive the other person of any part of its value or use, commits theft, a Class A misdemeanor.

[The offense is a Level 6 felony if (the value of the property is at least seven hundred fifty dollars (\$750) and less than fifty thousand dollars (\$50,000)) or (the property is a firearm) or (the property is a motor vehicle) or (the property is a component part of a motor vehicle) or (the person has a prior unrelated conviction for (theft), (criminal conversion), (robbery) or (criminal conversion))]

[The offense is a Level 5 felony if

the value of the property is at least fifty thousand dollars (\$50,000)

or

the property that is the subject of the theft is a valuable metal (as defined in IC 25-37.55-1-1)) and

(relates to transportation safety)

(relates to public safety)

(is taken from a

{hospital or other health care facility}

{telecommunications provider}

{public utility (as defined in IC 32-24-1-5.9(a))}

{key facility}))

and the absence of the property creates a substantial risk of bodily injury to a person).]

Before you may convict the Defendant, the State must have proved each of the following beyond a reasonable doubt:

1. The Defendant
2. [knowingly][intentionally]
3. exerted unauthorized control
4. over the property of (name)
5. with intent to deprive (name) of any part of its value or use.
- [6. (for Class 6 felony) and the value of the property was at least seven hundred fifty dollars (\$750) and less than fifty thousand dollars (\$50,000)]
- [or]
- [the property was a firearm].

[or]

[the property was (a firearm) (a motor vehicle) (a component part of a motor vehicle)]

[or]

[the person has a prior unrelated conviction for (theft), (criminal conversion), (robbery) or (burglary)]

[7. (for Class 5 felony) and (the value of the property was at least fifty thousand dollars (\$50,000)

[or]

[the subject of the theft was a valuable metal (as defined in IC 25-37.5-1-1) which

(related to transportation safety)

(or)

(related to public safety)

(or)

(was taken from:

{ a hospital or other health care facility }

{ or }

{ telecommunications provider }

{ or }

{ a public utility (as defined in IC 32-24-1-5.9(a)) }

{ or }

{ a key facility }

and the absence of the property created a substantial risk of bodily injury to a person.]

If the State failed to prove each of these elements beyond a reasonable doubt, you must find the Defendant not guilty of theft, a Class A misdemeanor/Level 6/5 felony, as charged in Count _____.

Comments

The following terms are defined by law: “exert control over property” (I.C. 35-31.5-2-124; Instruction No. 14.1540); “key facility” (I.C. 35-31.5-2-179; Instruction No. 14.2360); “property” (I.C. 35-31.5-2-253; Instruction No. 14.3240); “unauthorized control over property” (I.C. 35-43-4-1; Instruction No. 14.4300); and “valuable metal” (I.C. 25-37.5-1-1; Instruction No. 14.4400).

Trial of theft as a Level 6 felony for prior conviction of theft or criminal conversion must be bifurcated, *See* Instruction No. 15.3800.

For a defense instruction as to possession of property, see Basis of Liability, Voluntary Conduct—Possession of Property, Instruction No. 9.0120.

For cases in which the State invokes the thirty-day offense aggregation authorized by I.C. 35-41-2-6, the Committee recommends the following separate instruction, in which for ease of understanding the Committee has chosen to substitute the phrase “added together” for the word “aggregated” used in the statute:

Under Count _____, the State has charged the Defendant with committing the offense of [insert name of offense] _____ [number of times] within a 30 day period. If you find beyond a reasonable doubt that the Defendant committed this offense two or more times within a 30 day period, you may add together the value of any property you find that the defendant [describe offense action relative to property—e.g., “exerted unauthorized control over” or “damaged” or “destroyed”] each time to determine if the amount was [insert statutory value range—e.g., “was less than \$_____”] [insert statutory value range—e.g., “was at least \$_____ but less than \$_____”] [insert statutory value range—e.g., “was greater than \$_____”] in value.

Instruction No. 4.1610: Organized Theft.**IC 35-43-2-2.1.**

The crime of organized theft is defined by law as follows:

A person who, with the intent to commit theft, agrees with at least two (2) other persons to commit theft, and performs an overt act in furtherance of the agreement commits organized theft, a Level 6 felony.

Before you may convict the Defendant, the State must have proved each of the following beyond a reasonable doubt.

1. The Defendant
2. with the intent to commit theft
3. agrees with at least two (2) other persons to commit theft
4. and commits an overt act in furtherance of the agreement

[It is not a defense to prosecution that one (1) or more persons with whom the accused person is alleged to have agreed:

1. has not been prosecuted;
2. has not been convicted;
3. has been acquitted;
4. has been convicted of a different crime;
5. cannot be prosecuted for any reason; or
6. lacked the capacity to commit the crime.]

If the State failed to prove each of these elements beyond a reasonable doubt, you must find the Defendant no guilty of organized theft, a Level 6 felony.

Instruction No. 4.1620. Dealing in Altered Property.**I.C. 35-43-4-2.3.**

The crime of dealing in altered property is defined by law as follows:

A dealer, defined as a person who buys or sells, or offers to buy or sell, personal property, who [recklessly][knowingly][intentionally] [(buys) (sells) (offers to buy or sell) personal property in which (the identification number) (manufacturer's serial number)] has been [(removed) (altered) (obliterated) (defaced)] commits dealing in altered property, a Class A misdemeanor. [The offense is a Level 6 felony if the fair market value of the property is at least \$1,000.].

Before you may convict the Defendant, the State must have proved each of the following beyond a reasonable doubt:

1. The Defendant
2. was a dealer who bought or sold, or offered to buy or sell, personal property and
3. [recklessly][knowingly][intentionally]
4. [bought] [sold]
[or]
[offered to buy]
[or]
[offered to sell]
4. the personal property of [name] in which the (identification number) (manufacturer's serial number) had been (removed) (altered) (obliterated) (defaced)].
- [5. [(for Level 6 felony) and the fair market value of the property was at least one thousand dollars (\$1,000)].

If the State failed to prove each of these elements beyond a reasonable doubt, you must find the Defendant not guilty of dealing in altered property, a Class A misdemeanor/Level 6 felony, as charged in Count _____.

Comments

By statute, the term "dealer" does not include the original retailer of personal property.

The following term is defined by law: "property" (I.C. 35-31.5-2-253; Instruction No. 14.3240).

Trial of dealing in altered property as a Level 6 felony for having a prior conviction of that offense must be bifurcated. *See* Instruction No. 15.3200.

For cases in which the State invokes the thirty-day offense aggregation

authorized by I.C. 35-41-2-6, the Committee recommends the following separate instruction, in which for ease of understanding the Committee has chosen to substitute the phrase “added together” for the word “aggregated” used in the statute:

Under Count _____, the State has charged the Defendant with committing the offense of [insert name of offense] _____ [number of times] within a 30 day period. If you find beyond a reasonable doubt that the Defendant committed this offense two or more times within a 30 day period, you may add together the value of any property you find that the defendant [describe offense action relative to property—e.g., “exerted unauthorized control over” or “damaged” or “destroyed”] each time to determine if the amount was [insert statutory value range—e.g., “was less than \$_____”] [insert statutory value range—e.g., “was at least \$_____ but less than \$_____”] [insert statutory value range—e.g., “was greater than \$_____”] in value.

Instruction No. 4.1640. Auto Theft.**I.C. 35-43-4-2.5(b).**

The crime of auto theft is defined by law as follows:

A person who [knowingly][intentionally] exerts unauthorized control over the motor vehicle of another person, with intent to deprive the owner of [any part of the vehicle's value or use] [a component part of the vehicle] commits auto theft, a Level 6 felony.

Before you may convict the Defendant, the State must have proved each of the following elements:

1. The Defendant
2. [knowingly][intentionally]
3. exerted unauthorized control over the motor vehicle of [name]
4. with the intent to deprive (name), the owner of [any part of the vehicle's value or use] [a component part of the vehicle.]

If the State failed to prove each of these elements beyond a reasonable doubt, you must find the Defendant not guilty of auto theft, a Level 6 felony, as charged in Count _____.

Comments

The following terms are defined by law: "component part" (I.C. 9-13-2-34; Instruction No. 14.0660) and "motor vehicle" (I.C. 35-31.5-2-207; Instruction No. 14.2660).

Trial of auto theft as a Level 5 felony for a prior conviction of auto theft or receiving stolen auto parts must be bifurcated. See Instruction No. 15.3900.

Instruction No. 4.1650. Valuable Metal Dealer Offenses.**I.C. 25-37.5-1-7**

The offense of valuable metal dealer non-compliance is defined by law as follows:

A valuable metal dealer who fails to comply with I.C. 25-37.5-1(Regulation of Valuable Metal Dealers by State Police) commits a Class A infraction.

The offense is a Level 6 felony if the valuable metal dealer [knowingly] or [intentionally] fails to comply with I.C. 25-37.5-1 and purchases stolen valuable metal.

Before you may convict the Defendant, the State must have proved each of the following beyond a reasonable doubt:

1. The Defendant
2. _____ [knowingly] _____ [intentionally]
3. failed to comply with I.C. 25-37.5-1 by _____; and
4. purchased stolen valuable metal

If the State failed to prove each of these elements beyond a reasonable doubt, you must find the Defendant not guilty of concealing valuable metal purchase, a Level 6 felony.

(Text continued on page 4-51)

Area for handwritten notes or additional information.

Instruction No. 4.2240. Vending Machine Vandalism (Removing Contents).**I.C. 35-43-4-7(b)(2).**

The crime of vending machine vandalism is defined by law as follows:

A person who [knowingly][intentionally] removes [goods][wares][merchandise] [other property] from a vending machine without [inserting a coin, bill, or token made for that purpose] [the consent of the owner or operator of the vending machine], commits vending machine vandalism, a class B misdemeanor. [The offense is a class A misdemeanor if the amount of the (goods) (wares) (merchandise) (other property) removed from the vending machine is at least two hundred fifty dollars (\$250).]

Before you may convict the Defendant, the State must have proved each of the following beyond a reasonable doubt:

1. The Defendant
2. [knowingly][intentionally]
3. removed [goods][wares][merchandise] [other property]
4. without

[inserting a coin, bill, or token made for that purpose]

[or]

[the consent of the owner or operator of the vending machine]

- [5. (for Class A misdemeanor) and the amount of the (goods) (wares) (merchandise) (other property) removed from the vending machine was at least two hundred fifty dollars (\$250)].

If the State failed to prove each of these elements beyond a reasonable doubt, you must find the Defendant not guilty of vending machine vandalism, a Class B/A misdemeanor, as charged in Count _____.

Comments

For cases in which the State invokes the thirty-day offense aggregation authorized by I.C. 35-41-2-6, the Committee recommends the following separate instruction, in which for ease of understanding the Committee has chosen to substitute the phrase “added together” for the word “aggregated” used in the statute:

Under Count _____, the State has charged the Defendant with committing the offense of [insert name of offense] _____ [number of times] within a 30 day period. If you find beyond a reasonable doubt that the Defendant committed this offense two or more times within a 30 day period, you may add together the value of any property you find that the defendant [describe offense action relative to property—e.g., “exerted unauthorized control over” or “damaged” or “destroyed”] each time to determine if the amount was [insert statutory

value range—e.g., “was less than \$_____” [insert statutory value range—e.g., “was at least \$_____ but less than \$_____”] [insert statutory value range—e.g., “was greater than \$_____”] in value.

Instruction No. 4.2400. Counterfeiting—Making or Uttering.**I.C. 35-43-5-2.**

The crime of counterfeiting is defined by law as follows:

A person who [knowingly] [intentionally] [makes] [utters] a written instrument in such a manner that it purports to have been made [by another person] [at another time] [with different provisions] [by authority of one who did not give authority], commits counterfeiting, a Level 6 felony.

Before you may convict the Defendant, the State must have proved each of the following beyond a reasonable doubt:

1. The Defendant
2. [knowingly][intentionally]
3. [made] [uttered] a written instrument
4. in such a manner that it purported to have been made

[by (name), another person]

[or]

[on (give *purported date*), when the written instrument was actually made on (give *alleged actual date*)]

[or]

[with different provisions]

[or]

[by authority of (name) when (name) had not given authority].

If the State failed to prove each of these elements beyond a reasonable doubt, you must find the Defendant not guilty of counterfeiting, a Level 6 felony, as charged in Count _____.

Comments

The following terms are defined by law: “make” (I.C. 35-31.5-2-191; Instruction No. 14.2500); “written instrument” (I.C. 35-31.5-2-356; Instruction No. 14.4520); and “utter” (I.C. 35-31.5-2-345; Instruction No. 14.4380).

Instruction No. 4.2420. Counterfeiting—Possessing.**I.C. 35-43-5-2.**

The crime of counterfeiting is defined by law as follows:

A person who [knowingly][intentionally] possessed more than one (1) written instrument knowing that the written instruments were made in a manner that they purport to have been made [by another person] [at another time] [with different provisions] [by authority of one who did not give authority], commits counterfeiting, a Level 6 felony.

Before you may convict the Defendant, the State must have proved each of the following beyond a reasonable doubt:

1. The Defendant
2. [knowingly][intentionally]
3. possessed more than one (1) written instrument
4. knowing that the written instruments had been made in a such a manner that they purported to have been made

[by (name), another person]

[or]

[on (give purported date), when the written instrument was actually made on (give alleged actual date)]

[or]

[with different provisions]

[or]

[by authority of (name) when (name) had not given authority].

If the State failed to prove each of these elements beyond a reasonable doubt, you must find the Defendant not guilty of counterfeiting, a Level 6 felony, as charged in Count _____.

Comments

The following term is defined by law: “written instrument” (I.C. 35-31.5-2-356; Instruction No. 14.4520).

Instruction No. 4.2430. Counterfeiting (effective for crimes committed July 1, 2021 or after.)

I.C. 35-43-5-2.

The crime of counterfeiting is defined by law as follows:

A person who [knowingly] [intentionally]

- (1) [makes] [utters] a written instrument in such a manner that it purports to have been made [by another person] [at another time] [with different provisions] [by authority of one who did not give authority], OR
- (2) possesses more than one (1) written instrument knowing that the written instruments were made in a manner that they purport to have been made: [by another person] [at another time] [with different provisions] [by authority of one who did not give authority]

commits counterfeiting, a Level 6 felony.

Before you may convict the Defendant, the State must have proved each of the following beyond a reasonable doubt:

1. The Defendant
2. _____ [knowingly] [intentionally]
3. (a) [made] [uttered] a written instrument
3. (b) possessed more than one written instrument
4. in such a manner that it purported to have been made
[by _____ (name), another person]
[or]
[on _____ (give purported date), when the written instrument was actually made on _____ (give alleged actual date)]
[or]
[with different provisions]
[or]
[by authority of _____ (name) when _____ (name) had not given authority].

If the State failed to prove each of these elements beyond a reasonable doubt, you must find the Defendant not guilty of counterfeiting, a Level 6 felony, as charged in Count _____.

Comments

The following terms are defined by law: “make” (I.C. 35-31.5-2-191; Instruction

No. 14.2500); "written instrument" (I.C. 35-31.5-2-356; Instruction No. 14.4520); and "utter" (I.C. 35-31.5-2-345; Instruction No. 14.4380).

Instruction No. 4.2460. Making or Delivering a False Sales Document.**I.C. 35-43-5-2(b).**

The crime of making or delivering a false sales document is defined by law as follows: a person who, with intent to defraud, [makes] [delivers] a [false sales receipt] [duplicate of a sales receipt] [(label) (other item) with a false (universal product code (UPC)) (other product identification code)] [puts a false (universal product code (UPC)) (other product identification code) on the property (displayed) (offered) for sale] to another person commits [making] [delivering] of a false sales document, a Level 6 felony.

Before you may convict the Defendant, the State must have proved each of the following beyond a reasonable doubt:

1. The Defendant

2. [made]

[or]

[delivered to (*name*)]

3. [a false sales receipt]

[or]

[a duplicate of a sales receipt]

[or]

[(label) (other item) with a false (universal product code(UPC)) (other product identification code)]

[or]

[put a false (universal product code (UPC)) (other product identification code) on property (displayed) (offered for sale)]

4. with the intent to defraud (*name*)

If the State failed to prove each of these elements beyond a reasonable doubt, you must find the Defendant not guilty of [making] [delivering] of a false sales document, a Level 6 felony, as charged in Count _____.

Instruction No. 4.2480. Possession of a Fraudulent Sales Document.**I.C. 35-43-5-2(b).**

The crime of possession of a fraudulent sales document is defined by law as follows: a person who, with intent to defraud, possesses a [retail sales receipt] [(label) (other item)] with a (universal product code (UPC)) (other product identification code)] that applies to an item other than the item to which the [label] [other item] applies commits possession of a fraudulent sales document, a Class A misdemeanor. [The offense is a Level 6 felony if the person [possesses (at least 15 retail sales receipts) (at least 15 labels containing a universal product code (UPC)) (at least 15 labels containing another product identification code) (at least 15 of any combination of retail sales receipts, labels with universal product code (UPC), and labels with another product identification code)].

Before you may convict the Defendant, the State must have proved each of the following beyond a reasonable doubt:

1. The Defendant
2. possessed
3. [at least 15 retail sales receipts]
[or]
[at least 15 labels containing a universal product code (UPC))]
[or]
[at least 15 labels containing other product identification code]

4. with the intent to defraud (*name*)

If the State failed to prove each of these elements beyond a reasonable doubt, you must find the Defendant not guilty of possession of a fraudulent sales document, a Level 6 felony, as charged in Count _____.

Instruction No. 4.2600. Forgery.**I.C. 35-43-5-2.**

The crime of forgery is defined by law as follows:

A person who, with intent to defraud, [makes] [utters] [possesses] a written instrument in such a manner that it purports to have been made [by another person] [at another time] [with different provisions] [by authority of one who did not give authority], commits forgery, a Level 6 felony.

Before you may convict the Defendant, the State must have proved each of the following beyond a reasonable doubt:

1. The Defendant
2. with intent to defraud
3. [made] [uttered] [possessed] a written instrument
4. purporting to have been made

[by (*name*), another person]

[or]

[on (*give purported date*), when the written instrument was actually made on (*give alleged actual date*)];

[or]

[with different provisions]

[or]

[by authority of (*name*) when (*name*) had not given authority].

If the State failed to prove each of these elements beyond a reasonable doubt, you must find the Defendant not guilty of forgery, a Level 6 felony, as charged in Count _____.

Comments

The following terms are defined by law: “make” (I.C. 35-31.5-2-191; Instruction No. 14.2500); “written instrument” (I.C. 35-31.5-2-356; Instruction No. 14.4520); and “utter” (I.C. 35-31.5-2-345; Instruction No. 14.4380).

Instruction No. 4.2600(a). Forgery (effective for crimes committed or after July 1, 2021).

I.C. 35-43-5-2.

The crime of forgery is defined by law as follows:

A person who, with intent to defraud, [makes] [utters] [possesses] a written instrument in such a manner that it purports to have been made [by another person] [at another time] [with different provisions] [by authority of one who did not give authority], commits forgery, a Level 6 felony.

Before you may convict the Defendant, the State must have proved each of the following beyond a reasonable doubt:

1. The Defendant
2. with intent to defraud
3. [made] [uttered] [possessed] a written instrument
4. purporting to have been made

[by _____ (name), another person]

[or]

[on _____ (give purported date), when the written instrument was actually made on _____ (give alleged actual date)]

[or]

[with different provisions]

[or]

[by authority of _____ (name) when _____ (name) had not given authority].

If the State failed to prove each of these elements beyond a reasonable doubt, you must find the Defendant not guilty of forgery, a Level 6 felony, as charged in Count _____.

Comments

The following terms are defined by law: “make” (I.C. 35-31.5-2-191; Instruction No. 14.2500); “written instrument” (I.C. 35-31.5-2-356; Instruction No. 14.4520); and “utter” (I.C. 35-31.5-2-345; Instruction No. 14.4380).

(Text continued on page 4-63)

(the identifying information the Defendant {obtained} {possessed} {transferred} {used} was that of a person under eighteen (18) years of age who was {(name), the Defendant's (son) (daughter)}

{or}

{_____ (name), who was a dependent of the Defendant}

{or}

{(name), who was a ward of the Defendant}

{or}

{(name), an individual for whom the Defendant was a guardian}.]

If the State failed to prove each of these elements beyond a reasonable doubt, you must find the Defendant not guilty of Identity deception, a Level 6/5 felony as charged in Count _____.

Comments

The following term is defined by law: "identifying information" (I.C. 35-43-5-1; Instruction No. 14.2220).

For cases in which the State invokes the thirty-day offense aggregation authorized by I.C. 35-41-2-6, the Committee recommends the following separate instruction, in which for ease of understanding the Committee has chosen to substitute the phrase "added together" for the word "aggregated" used in the statute:

Under Count _____, the State has charged the Defendant with committing the offense of [insert name of offense] _____ [number of times] within a 30 day period. If you find beyond a reasonable doubt that the Defendant committed this offense two or more times within a 30 day period, you may add together the value of any property you find that the defendant [describe offense action relative to property—e.g., "exerted unauthorized control over" or "damaged" or "destroyed"] each time to determine if the amount was [insert statutory value range—e.g., "was less than \$_____"] [insert statutory value range—e.g., "was at least \$_____ but less than \$_____"] [insert statutory value range—e.g., "was greater than \$_____"] in value.

The conduct prohibited in subsection (a) does not apply to:

- (1) a person less than twenty-one (21) years of age who uses the identifying information of another person to acquire an alcoholic beverage (as defined in IC 7.1-1-3-5);
- (2) a minor (as defined in IC 35-49-1-4) who uses the identifying information of another person to acquire:
 - (A) a cigarette, an electronic cigarette (as defined in IC 35-46-1-1.5), or

- tobacco product (as defined in IC 6-7-2-5);
- (B) a periodical, a videotape, or other communication medium that contains or depicts nudity (as defined in IC 35-49-1-5);
 - (C) admittance to a performance (live or film) that prohibits the attendance of the minor based on age; or
 - (D) an item that is prohibited by law for use or consumption by a minor; or
- (3) any person who uses the identifying information for a lawful purpose.

The Committee believes that this “does not apply” provision was intended by the legislature to establish “exceptions” or defenses to criminal liability under this section. The burden to prove an exemption or exception or defense to a crime has been held to be a defendant’s by a preponderance of the evidence. See *Harris v. State*, 716 N.E.2d 406 (Ind. 1999); *Armstrong v. State*, 742 N.E.2d 972 (Ind. Ct. App. 2001). The Indiana Court of Appeals has held that the “lawful purpose” exception above “is an affirmative defense and not a material element of identity deception.” *Lacy v. State*, 58 N.E.3d 944 (Ind. Ct. App. 2016).

Instruction No. 4.2920(a). Identity Deception (for crimes committed July 1, 2021 or after).

I.C. 35-43-5-3.5.

The crime of identity deception is defined by law as follows:

A person who, with intent to harm or defraud another person, [knowingly] [intentionally] [obtains] [possesses] [transfers] [uses] the identifying information to profess to be another person commits identity deception, a Level 6 felony.

[The offense is a Level 5 felony if the person (obtains) (possesses) (transfers) (uses) the identifying information of more than one hundred (100) persons.]

[The offense is a Level 5 felony if the fair market value of the fraud or harm caused by the offense is at least fifty thousand dollars (\$50,000).]

[The offense is a Level 5 felony if the identifying information (obtained) (possessed) (transferred) (used) is that of a person under eighteen (18) years of age who is (the person's son or daughter) (a dependent of the person) (a ward of the person) (an individual for whom the person is a guardian).]

Before you may convict the Defendant, the State must have proved each of the following beyond a reasonable doubt

1. The Defendant

2. with the intent to harm or defraud another person _____

3. [knowingly] [intentionally]

3. [obtained] [possessed] [transferred] [used] the identifying information of another person _____ (name) _____

4. to profess to be another person _____ (name) _____ (name), another person].

[5. (for Level 5 felony) and the Defendant

(obtained) (possessed) (transferred) (used) the identifying information of more than on hundred (100) persons)

(or)

the fair market value of the fraud or harm caused by the offense was at least fifty thousand dollars (\$50,000)

(or)

(the identifying information the Defendant {obtained} {possessed} {transferred} {used} was that of a person under eighteen (18) years of age who was

{(name), the Defendant's (son) (daughter)}.

{or}

{_____ (name), who was a dependent of the Defendant}

{or}

{_____ (name), who was a ward of the Defendant}

{or}

{_____ (name), an individual for whom the Defendant was a guardian}.]

If the State failed to prove each of these elements beyond a reasonable doubt, you must find the Defendant not guilty of Identity deception, a Level 6/5 felony as charged in Count _____.

Comments

The following term is defined by law: “identifying information” (I.C. 35-43-5-1; Instruction No. 14.2220).

For cases in which the State invokes the thirty-day offense aggregation authorized by I.C. 35-41-2-6, the Committee recommends the following separate instruction, in which for ease of understanding the Committee has chosen to substitute the phrase “added together” for the word “aggregated” used in the statute:

Under Count _____, the State has charged the Defendant with committing the offense of [insert name of offense] _____ [number of times] within a 30 day period. If you find beyond a reasonable doubt that the Defendant committed this offense two or more times within a 30 day period, you may add together the value of any property you find that the defendant [describe offense action relative to property—e.g., “exerted unauthorized control over” or “damaged” or “destroyed”] each time to determine if the amount was [insert statutory value range—e.g., “was less than \$_____”] [insert statutory value range—e.g., “was at least \$_____ but less than \$_____”] [insert statutory value range—e.g., “was greater than \$_____”] in value.

The conduct prohibited in subsection (a) does not apply to:

- (1) a person less than twenty-one (21) years of age who uses the identifying information of another person to acquire an alcoholic beverage (as defined in IC 7.1-1-3-5);
- (2) a minor (as defined in IC 35-49-1-4) who uses the identifying information of another person to acquire:
 - (A) a cigarette, an electronic cigarette (as defined in IC 35-46-1-1.5), or tobacco product (as defined in IC 6-7-2-5);
 - (B) a periodical, a videotape, or other communication medium that contains or depicts nudity (as defined in IC 35-49-1-5);
 - (C) admittance to a performance (live or film) that prohibits the attendance of the minor based on age; or

(D) an item that is prohibited by law for use or consumption by a minor;
or

(3) any person who uses the identifying information for a lawful purpose.

The Committee believes that this “does not apply” provision was intended by the legislature to establish “exceptions” or defenses to criminal liability under this section. The burden to prove an exemption or exception or defense to a crime has been held to be a defendant’s by a preponderance of the evidence. See *Harris v. State*, 716 N.E.2d 406 (Ind. 1999); *Armstrong v. State*, 742 N.E.2d 972 (Ind. Ct. App. 2001). The Indiana Court of Appeals has held that the “lawful purpose” exception above “is an affirmative defense and not a material element of identity deception.” *Lacy v. State*, 58 N.E.3d 944 (Ind. Ct. App. 2016).

Instruction No. 4.2940. Terroristic Deception.**I.C. 35-43-5-3.6.**

The crime of terroristic deception is defined by law as follows:

A person who [knowingly] [intentionally] [obtains] [possesses] [transfers] [uses] the identifying information of another person with intent to [commit terrorism] [(obtain) (transport) a weapon of mass destruction] commits terroristic deception, a Level 5 felony.

Before you may convict the Defendant, the State must have proved each of the following beyond a reasonable doubt:

1. The Defendant
2. [knowingly] [intentionally]
3. [obtained] [possessed] [transferred] [used] the identifying information of another person
4. with intent to [commit terrorism] [(obtain) (transport) a weapon of mass destruction].

If the State failed to prove each of these elements beyond a reasonable doubt, you must find the Defendant not guilty of terroristic deception, a Level 5 felony, as charged in Count _____.

Instruction No. 4.2940(a). Terroristic Deception (effective for crimes committed July 1, 2019 or after).

I.C. 35-46.5-2-4.

The crime of terroristic deception is defined by law as follows:

A person who [knowingly] [intentionally] [obtains] [possesses] [transfers] [uses] the identifying information of another person with intent to [commit terrorism] [(obtain) (transport) a weapon of mass destruction] commits terroristic deception, a Level 5 felony.

Before you may convict the Defendant, the State must have proved each of the following beyond a reasonable doubt:

1. The Defendant
2. [knowingly] [intentionally]
3. [obtained] [possessed] [transferred] [used] the identifying information of another person
4. with intent to [commit terrorism] [(obtain) (transport) a weapon of mass destruction].

If the State failed to prove each of these elements beyond a reasonable doubt, you must find the Defendant not guilty of terroristic deception, a Level 5 felony, as charged in Count _____.

Comments

The following terms are defined by law: “weapon of mass destruction” (I.C. 35-31.5-2-354; Instruction No. 14.4480); “identifying information” IC 35-43-5-1(i); Instruction No. 14.2220).

Instruction No. 4.2960. Synthetic Identity Deception.**I.C. 35-43-5-3.8.**

The crime of synthetic identity deception is defined by law as follows:

A person who [knowingly] [intentionally] [obtains] [possesses] [transfers] [uses] synthetic identifying information with intent to [(harm) (defraud) another person] [assume the identity of another person] [profess to be another person] commits synthetic identity deception, a Level 6 felony.

[The offense is a Level 5 felony if the person (obtains) (possesses) (transfers) (uses) the synthetic identifying information of more than one hundred (100) persons.]

[The offense is a Level 5 felony if the fair market value of the fraud or harm caused by the offense is at least fifty thousand dollars (\$50,000).]

Before you may convict the Defendant, the State must have proved each of the following beyond a reasonable doubt:

1. The Defendant
2. [knowingly] [intentionally]
3. [obtained] [possessed] [transferred] [used] synthetic identifying information
4. with intent to
 - [harm or defraud (*name person intended to be harmed*)]
 - [or]
 - [assume the identity of (*name*), another person]
 - [or]
 - [profess to be (*name*), another person].
- [5. (*for Level 5 felony*) the Defendant (obtained) (possessed) (transferred) (used) the

identifying information of more than one hundred (100) persons}

{or}

{the fair market value of the fraud or harm caused by the offense was at least fifty thousand dollars (\$50,000)}].

If the State failed to prove each of these elements beyond a reasonable doubt, you must find the Defendant not guilty of Identity deception, a Level [6] [5] felony as charged in Count _____.

Comments

The following term is defined by law: "synthetic identifying information" (I.C. 35-31.5-2-322; Instruction No. 14.4000).

For cases in which the State invokes the thirty-day offense aggregation authorized by I.C. 35-41-2-6, the Committee recommends the following separate instruction, in which for ease of understanding the Committee has chosen to substitute the phrase “added together” for the word “aggregated” used in the statute:

Under Count _____, the State has charged the Defendant with committing the offense of [insert name of offense] _____ [number of times] within a 30 day period. If you find beyond a reasonable doubt that the Defendant committed this offense two or more times within a 30 day period, you may add together the value of any property you find that the defendant [describe offense action relative to property—e.g., “exerted unauthorized control over” or “damaged” or “destroyed”] each time to determine if the amount was [insert statutory value range—e.g., “was less than \$_____”] [insert statutory value range—e.g., “was at least \$_____ but less than \$_____”] [insert statutory value range—e.g., “was greater than \$_____”] in value.

I.C. 35-43-5-3.8(c) provides:

The conduct prohibited in subsections (a) and (b) does not apply to:

1. a person less than twenty-one (21) years of age who uses the synthetic identifying information of another person to acquire an alcoholic beverage (as defined in IC 7.1-1-3-5);
2. a minor (as defined in IC 35-49-1-4) who uses the synthetic identifying information of another person to acquire:
 - (A) a cigarette or tobacco product (as defined in IC 6-7-2-5);
 - (B) a periodical, a videotape, or other communication medium that contains or depicts nudity (as defined in IC 35-49-1-5);
 - (C) admittance to a performance (live or film) that prohibits the attendance of the minor based on age; or
 - (D) an item that is prohibited by law for use or consumption by a minor.

The Committee believes that this “does not apply” provision was intended by the legislature to establish “exceptions” to criminal liability under this section. The burden to prove an exemption or exception to a crime has been held to be a defendant’s by a preponderance of the evidence. See *Harris v. State*, 716 N.E.2d 406 (Ind. 1999); *Armstrong v. State*, 742 N.E.2d 972 (Ind. Ct. App. 2001).

The statute’s subsection (d) provides that “[i]t is not a defense in a prosecution under subsection (a) or (b) that no person was harmed or defrauded.”

Instruction No. 4.3000. Fraud (effective for crimes committed July 1, 2021 or after).

I.C. 35-43-5-4(1).

The crime of fraud is defined by law as follows:

A person who

[with the intent to obtain property or data, or an educational, governmental, or employment benefit to which the person is not entitled] [knowingly] [intentionally] [makes a false or misleading statement] [creates a false impression in another person]

[or]

[with the intent to cause another person to obtain property]

[knowingly] [intentionally] [makes a false or misleading statement] [creates a false impression in a third person] [causes to be presented a claim that [contains a false or misleading statement] [creates a false or misleading impression in a third person]

[or]

[possesses] [manufactures] [uses] [alters]

a [document] [instrument] [computer program] [device] [with the intent to obtain [property] [data] [an educational, governmental, or employment benefit] [to which the person is not entitled]

[or]

[knowingly] [intentionally] [engages in a scheme or artifice to commit an offense] [described _____]

commits fraud, a Class A misdemeanor.

The offense is a Level 6 felony if:

[The offense is committed not later than seven (7) years from the date the person:

[was convicted of a prior unrelated conviction for an offense under this article]

[was released from a term of incarceration, probation, or parole (whichever occurred last) imposed for a prior unrelated conviction for an offense under this article; whichever occurred last.]

See Instruction 15.3300 for bifurcation.]

[The pecuniary loss is at least seven hundred fifty dollars (\$750) but less than fifty thousand dollars (\$50,000).]

[The victim is:

[an endangered adult (as defined in IC 12-10-3-2(a))] [less than eighteen (18) years of age.]

[The person makes a false or misleading statement representing an entity as:

[a disadvantaged business enterprise (as defined in IC 5-16-6.5-1)]

[a women-owned business enterprise (as defined in IC 5-16-6.5-3)]

[in order to qualify for certification as such an enterprise under a program conducted by a public agency (as defined in IC 5-16-6.5-2) designed to assist disadvantaged business enterprises or women-owned business enterprises in obtaining contracts with public agencies for the provision of goods and services.]

[The person makes a false or misleading statement representing an entity with which the person will subcontract all or part of a contract with a public agency (as defined in IC 5-16-6.5-2) as]

[a disadvantaged business enterprise (as defined in IC 5-16-6.5-1)]

[a women-owned business enterprise (as defined in IC 5-16-6.5-3)]

[in order to qualify for certification as an eligible bidder under a program that is conducted by a public agency designed to assist disadvantaged business enterprises or women-owned business enterprises in obtaining contracts with public agencies for the provision of goods and services]

[The offense is committed by a person who is confined in] [the department of correction]

[a county jail]

[a secure juvenile facility]

[The document or instrument that the person possesses, manufactures, uses, or alters is a document or instrument] [issued by a public servant or a governmental entity]

[that has been manufactured or altered to appear to have been issued by a public servant or a governmental entity]

[that the person tendered to, or intends to tender to a public servant or a governmental entity]

[The person] [made the false or misleading statement] [created the false impression in another person] [on or by means of a document or written instrument]

[The agreement is unconscionable]

[if the defendant proves by a preponderance of the evidence that the [value of the property, data, or benefit intended to be obtained; and the actual pecuniary loss is less than seven hundred fifty dollars (\$750) then the offense is a class A misdemeanor]

[The offense involves human reproductive material (as defined in IC 34-24-5-1)]

The offense is a Level 5 felony if

[The pecuniary loss is at least fifty thousand dollars (\$50,000) and less than one hundred thousand dollars (\$100,000)]

[The pecuniary loss is at least seven hundred fifty dollars (\$750) and the victim is] [an endangered adult (as defined in IC 12-10-3-2(a))] [less than eighteen (18) years of age].

[the victim was a financial institution]

Before you may convict the Defendant, the State must have proved each of the following beyond a reasonable doubt:

1. The Defendant
2. with intent to
3. Obtain [property or data, or an educational, governmental, or employment benefit] to which the person is not entitled _____ (describe property, data, etc.)]
4. [knowingly] [intentionally] [makes a false or misleading statement] [creates a false impression in another person]

[or]

1. The Defendant
2. with intent to
3. cause another person to obtain property (name other person) _____ (describe property)

4. [knowingly] [intentionally] [makes a false or misleading statement] [creates a false impression in a third person] [causes to be presented a claim that [contains a false or misleading statement] [creates a false or misleading impression in a third person]

[or]

1. The Defendant
2. with the intent to
3. obtain [property] [data] [an educational, governmental, or employment benefit] [to which the person is not entitled] _____ (*describe property, data, etc.*)
4. [possesses] [manufactures] [uses] [alters]
5. a [document] [instrument] [computer program] [device] [with the intent to obtain [property] [data] [an educational, governmental, or employment benefit] [to which the person is not entitled] _____ (*describe document, instrument, etc.*)

[or]

1. The Defendant
 2. [knowingly] [intentionally]
 3. engaged in a scheme or artifice to commit an offense] [described _____]
- [or]

1. The Defendant
2. with the intent to
3. obtain [property] [data] [an educational, governmental, or employment benefit] [to which the person is not entitled] _____ (*describe property, data, etc.*)
4. [possesses] [manufactures] [uses] [alters]
5. a [document] [instrument] [computer program] [device] [with the intent to obtain [property] [data] [an educational, governmental, or employment benefit] [to which the person is not entitled] _____ (*describe document, instrument, etc.*)

[(For a Level 6 felony) and Defendant committed the offense not later than seven (7) years from the date the person: [was convicted of a prior unrelated conviction for an offense under this article] [was released from a term of incarceration, probation, or parole (whichever occurred last) imposed for a prior unrelated conviction for an offense under this article; whichever occurred last. Must be bifurcated. *See* Instruction No. 15.3300.

{or}

[and the victim is: [an endangered adult (as defined in IC 12-10-3-2(a))] [less than eighteen (18) years of age.]

{or}

[and Defendant makes a false or misleading statement representing an entity as:

[a disadvantaged business enterprise (as defined in IC 5-16-6.5-1)]. [a women-owned business enterprise (as defined in IC 5-16-6.5-3)] [in order to qualify for certification as such an enterprise under a program conducted by a public agency (as defined in IC 5-16-6.5-2) designed to assist disadvantaged business enterprises or women-owned business enterprises in obtaining contracts with public agencies for the provision of goods and services.]

{or}

[and Defendant makes a false or misleading statement representing an entity with which the person will subcontract all or part of a contract with a public agency (as defined in IC 5-16-6.5-2) as] [a disadvantaged business enterprise (as defined in IC 5-16-6.5-1)] [a women-owned business enterprise (as defined in IC 5-16-6.5-3)] [in order to qualify for certification as an eligible bidder under a program that is conducted by a public agency designed to assist disadvantaged business enterprises or women-owned business enterprises in obtaining contracts with public agencies for the provision of goods and services]

{or}

[and Defendant committed the offense while confined in] [the department of correction] [a county jail] [a secure juvenile facility]

{or}

[and the document or instrument that Defendant possessed, manufactured, used, or altered is a document or instrument] [issued by a public servant or a governmental entity] [that has been manufactured or altered to appear to have been issued by a public servant or a governmental entity] [that the person tendered to, or intends to tender to a public servant or a governmental entity]

{or}

[and Defendant] [made the false or misleading statement] [created the false impression in another person] [on or by means of a document or written instrument]

{or}

[and the agreement is unconscionable]. (However, if the defendant proves by a preponderance of the evidence that the value of the property, data, or benefit intended to be obtained; and the actual pecuniary loss is less than seven hundred fifty dollars (\$750) then the offense is a class A misdemeanor).

{or}

[and the offense involves human reproductive material (as defined in IC 34-24-5-1)]

[(For a Level 5 felony)—[and the pecuniary loss is at least fifty thousand dollars (\$50,000) and less than one hundred thousand dollars (\$100,000)] [The pecuniary loss is at least seven hundred fifty dollars (\$750) and the victim is] [an endangered adult (as defined in IC 12-10-3-2(a))] [less than eighteen (18) years of age], or [the victim was a financial institution]

If the State failed to prove each of these elements beyond a reasonable doubt, you must find the Defendant not guilty of fraud, a Class A misdemeanor, Level [6], [5] felony, as charged in Count _____.

Comments

The following terms are defined by law: “property” (I.C. 35-31.5-2-253; Instruction No. 14.3240); “endangered adult” (I.C. 12-10-3-2(a); Instruction No. 14.1460); “public agency” (I.C. 5-16-6.5-2; Instruction No. 14.3270 “disadvantaged business enterprise” (I.C. 5-16-6.5-1; Instruction No. 14.1160); “women-owned business enterprise” (I.C. 5-16-6.5-3; Instruction No. 14.4500); “human reproductive material” (I.C. 34-24-5-1; Instruction No. 14.2150); and “financial institution” (I.C. 35-43-5-12; Instruction No. 14.1700).

The Phase II instruction for the Level 6 felony prior offense enhancement can be found in Instruction No. 15.3300

(Text continued on page 4-83)

- [7. (for Level 3 felony) and, while committing the offense, Defendant operated a vehicle in a manner that caused the death of (name), another person]
- [8. (for Level 2 felony) and, while committing the offense, Defendant operated a vehicle in a manner that caused the death of _____ (name), a law enforcement officer while the law enforcement officer was engaged in his/her official duties].

If the State failed to prove each of these elements beyond a reasonable doubt, you must find the Defendant not guilty of resisting law enforcement, a Class A misdemeanor/Level 6/5/3/2 felony, charged in Count _____.

Comments

The following terms are defined by law: “bodily injury” (I.C. 35-31.5-2-29, Instruction No. 14.0420); “deadly weapon” (I.C. 35-31.5-2-86; Instruction No. 14.1040); and “serious bodily injury” (I.C. 35-31.5-2-291; Instruction No. 14.3620).

The term “law enforcement officer” is also defined by law (I.C. 35-31.5-2-185; Instruction No. 14.2440), but the term and the instruction must be expanded for purposes of this offense to include “alcoholic beverage enforcement officer” and “conservation officer of the department of natural resources.” I.C. 35-44-3-3(c).

It has been held that, despite the “while the officer is lawfully engaged in the execution of his duties” language, the statute does not authorize a person to resist a peaceful arrest by one the person knows or has reason to know is a police officer performing his duties, regardless of whether the arrest is lawful or unlawful. *Dora v. State*, 783 N.E.2d 322 (Ind. Ct. App. 2003), *transfer denied*, 792 N.E.2d 41 (Ind. 2003). But there are exceptions to this general rule, as when the officer has made an illegal entry into a residence to effect an arrest, or when an officer is using unconstitutionally excessive force. *See Shoultz v. State*, 735 N.E.2d 818, 823 (Ind. Ct. App. 2000).

Instruction No. 5.3000(a). Resisting Law Enforcement (Use of Force) (effective for crimes committed July 1, 2019 or after).

I.C. 35-44.1-3-1(a).

The crime of resisting law enforcement is defined by law as follows:

A person who [knowingly] [intentionally] [forcibly (resists) (obstructs) (interferes with) a law enforcement officer or a person assisting the officer while the officer is lawfully engaged in the execution of his duties as an officer] [forcibly (resists) (obstructs) (interferes with) the authorized service or execution of a civil or criminal process or order of a court] commits resisting law enforcement, a Class A misdemeanor. [The offense is a Level 6 felony if, while committing it, the person (draws or uses a deadly weapon) (inflicts bodily injury on or otherwise causes bodily injury to another person) (operates a vehicle in a manner that creates a substantial risk of bodily injury to another person).] [The offense is a Level 5 felony if the person operates a vehicle in a manner that causes serious bodily injury to another person.] [The offense is a Level 3 felony if the person operates a vehicle in a manner that causes the death or catastrophic injury of another person.] [The offense is a Level 2 felony if the person operates a vehicle in a manner that causes the death or catastrophic injury of (a firefighter) (an emergency medical services provider) (a law enforcement officer) who was engaged in his/her official duties.]

Before you may convict the Defendant, the State must have proved each of the following:

1. The Defendant
2. [knowingly] [intentionally]
3. forcibly
4. [(resisted) (obstructed) (interfered with) _____ (name), [a law enforcement officer] [a person assisting _____ (name), a law enforcement officer] while the officer was lawfully engaged in the execution of his/her duties as an officer)]

[or]

[(resisted) (obstructed) (interfered) with the authorized service or execution of a civil or criminal process or order of a court].

- [5. (for Level 6 felony) and, while committing the offense,

Defendant (drew or used a deadly weapon)

(or)

(inflicted bodily injury on or caused bodily injury to [name person injured] while committing the offense)

(or)

(operated a vehicle in a manner that created a substantial risk of bodily injury

to another person)]

- [6. (for Level 5 felony) and, while committing the offense, Defendant operated a vehicle in a manner that caused serious bodily injury to _____ (name), another person]
- [7. (for Level 3 felony) and, while committing the offense, Defendant operated a vehicle in a manner that caused the death or catastrophic injury of (name), another person]
- [8. (for Level 2 felony) and, while committing the offense, Defendant operated a vehicle in a manner that caused the death or catastrophic injury of _____ (name), (a firefighter) (an emergency medical services provider) (a law enforcement officer) who was engaged in his/her official duties].

If the State failed to prove each of these elements beyond a reasonable doubt, you must find the Defendant not guilty of resisting law enforcement, a Class A misdemeanor/Level 6/5/3/2 felony, charged in Count _____.

Comments

Indiana Code Section 35-44.1-3-1 was separately amended by P.L. 186-2019 and P.L. 1114-2019 with both effective July 1, 2019 and neither act referring to the other. The amendments in the acts were not identical.

P.L. 186-2019 added causing “catastrophic injury” to increase the offense to a Level 2 and 3 felony as indicated above. These amendments were not included in P.L. 1114-2019. The term “catastrophic injury” is defined by law (35-31.5-2-34.5, as added by P.L. 186-2019, Instruction No. 14.0510).

The following terms are defined by law: “bodily injury” (I.C. 35-31.5-2-29, Instruction No. 14.0420); “deadly weapon” (I.C. 35-31.5-2-86; Instruction No. 14.1040); and “serious bodily injury” (I.C. 35-31.5-2-291; Instruction No. 14.3620).

The term “law enforcement officer” is also defined by law (I.C. 35-31.5-2-185; Instruction No. 14.2440), but the term and the instruction must be expanded for purposes of this offense to include “alcoholic beverage enforcement officer” and “conservation officer of the department of natural resources.” I.C. 35-44-3-3(c).

It has been held that, despite the “while the officer is lawfully engaged in the execution of his duties” language, the statute does not authorize a person to resist a peaceful arrest by one the person knows or has reason to know is a police officer performing his duties, regardless of whether the arrest is lawful or unlawful. *Dora v. State*, 783 N.E.2d 322 (Ind. Ct. App. 2003), *transfer denied*, 792 N.E.2d 41 (Ind. 2003). But there are exceptions to this general rule, as when the officer has made an illegal entry into a residence to effect an arrest, or when an officer is using unconstitutionally excessive force. *See Shoultz v. State*, 735 N.E.2d 818, 823 (Ind. Ct. App. 2000).

Instruction No. 5.3040. Resisting Law Enforcement (Fleeing).**I.C. 35-44.13-1(a) and (b).**

The crime of resisting law enforcement is defined by law as follows:

A person who [knowingly] [intentionally] flees from a law enforcement officer after the officer has, by visible or audible means, including the operation of the law enforcement officer's siren or emergency lights, identified himself and ordered the person to stop commits resisting law enforcement, a Class A misdemeanor. [The offense is a Level 6 felony if (the person uses a vehicle to commit it) (while committing it, the person draws or uses a deadly weapon) (while committing it, the person inflicts bodily injury on another person) (while committing it, the person operates a vehicle in a manner that creates a substantial risk of bodily injury to another person).] [The offense is a Level 5 felony if, while committing it, the person operates a vehicle in a manner that causes serious bodily injury to another person.] [The offense is a Level 3 felony if, while committing it, the person operates a vehicle in a manner that causes the death of another person.] [The offense is a Level 2 felony if, while committing it, the person operates a vehicle in a manner that causes the death of a law enforcement officer while he/she is engaged in the officer's official duties.]

Before you may convict the Defendant, the State must have proved each of the following:

1. The Defendant
2. [knowingly] [intentionally]
3. fled from [name], a law enforcement officer
4. after [name] had, by visible or audible means, [including the operation of the law enforcement officer's (siren) (emergency lights), identified himself and ordered the Defendant to stop
5. (for Level 6 felony) and Defendant
(used a vehicle to commit the offense)
(or)
(drew or used a deadly weapon while committing the offense)
(or)
(inflicted bodily injury on [name] while committing the offense)
(or)
(operated a vehicle in a manner that created a substantial risk of bodily injury to [name] while committing the offense)]
6. (for Level 5 felony) and Defendant operated a vehicle in a manner that caused serious bodily injury to (name) while committing the offense]
7. (for Level 3 felony) and Defendant operated a vehicle in a manner that caused

the death of (name) while committing the offense]

- [8. (for Level 2 felony) and Defendant operated a vehicle in a manner that caused the death of (name), a law enforcement officer who was engaged in his/her official duties, while committing the offense].

If the State failed to prove each of these elements beyond a reasonable doubt, you must find the Defendant not guilty of resisting law enforcement, a Class A misdemeanor/Level 6/5/3/2 felony, charged in Count _____.

Comments

The following terms are defined by law: “bodily injury” (I.C. 35-31.5-2-29, Instruction No. 14.0420); “deadly weapon” (I.C. 35-31.5-2-86; Instruction No. 14.1040); and “serious bodily injury” (I.C. 35-31.5-2-291; Instruction No. 14.3620).

The term “law enforcement officer” is also defined by law (I.C. 35-31.5-2-185; Instruction No. 14.2440), but the term and the instruction must be expanded for purposes of this offense to include “alcoholic beverage enforcement officer” and “conservation officer of the department of natural resources.” I.C. 35-44-3-3(c).

Instruction No. 5.3040(a). Resisting Law Enforcement (Fleeing) (effective for crimes committed July 1, 2019 or after).

I.C. 35-44.1-3-1(a).

The crime of resisting law enforcement is defined by law as follows:

A person who [knowingly] [intentionally] flees from a law enforcement officer after the officer has, by visible or audible means, including the operation of the law enforcement officer's siren or emergency lights, identified himself and ordered the person to stop commits resisting law enforcement, a Class A misdemeanor. [The offense is a Level 6 felony if (the person uses a vehicle to commit it) (while committing it, the person draws or uses a deadly weapon) (while committing it, the person inflicts bodily injury on or otherwise causes bodily injury to another person) (while committing it, the person operates a vehicle in a manner that creates a substantial risk of bodily injury to another person).] [The offense is a Level 5 felony if, while committing it, the person operates a vehicle in a manner that causes serious bodily injury to another person.] [The offense is a Level 3 felony if, while committing it, the person operates a vehicle in a manner that causes the death or catastrophic injury of another person.] [The offense is a Level 2 felony if, while committing it, the person operates a vehicle in a manner that causes the death or catastrophic injury of (a firefighter) (an emergency medical services provider) (a law enforcement officer) who was engaged in his/her official duties.]

Before you may convict the Defendant, the State must have proved each of the following:

1. The Defendant
2. [knowingly] [intentionally]
3. fled from _____ [name], a law enforcement officer
4. after _____ [name] had, by visible or audible means, [including the operation of the law enforcement officer's (siren) (emergency lights)], identified himself and ordered the Defendant to stop
- [5. (for Level 6 felony) and Defendant
(used a vehicle to commit the offense)
(or)
(drew or used a deadly weapon while committing the offense)
(or)
(inflicted bodily injury on or caused bodily injury to _____ [name person injured] while committing the offense)
(or)
(operated a vehicle in a manner that created a substantial risk of bodily injury to _____ [name] while committing the offense)]
- [6. (for Level 5 felony) and Defendant operated a vehicle in a manner that caused

serious bodily injury to _____ (name) while committing the offense]

- [7. (for Level 3 felony) and Defendant operated a vehicle in a manner that caused the death or catastrophic injury of _____ (name) while committing the offense]
- [8. (for Level 2 felony) and Defendant operated a vehicle in a manner that caused the death or catastrophic injury of _____ (name), (a firefighter) (an emergency medical services provider) (a law enforcement officer) who was engaged in his/her official duties.

If the State failed to prove each of these elements beyond a reasonable doubt, you must find the Defendant not guilty of resisting law enforcement, a Class A misdemeanor/Level 6/5/3/2 felony, charged in Count _____.

Comments

Indiana Code Section 35-44.1-3-1 was separately amended by P.L. 186-2019 and P.L. 1114-2019 with both effective July 1, 2019 and neither act referring to the other. The amendments in these acts were not identical.

P.L. 186-2019 added causing "catastrophic injury" to increase the offense to a Level 2 and 3 felony as indicated above. These amendments were not included in P.L. 1114-2019. The term "catastrophic injury" is defined by law (35-31.5-2-34.5, as amended by P.L. 186-2019, Instruction No. 14.0510).

The following terms are defined by law: "bodily injury" (I.C. 35-31.5-2-29, Instruction No. 14.0420); "deadly weapon" (I.C. 35-31.5-2-86; Instruction No. 14.1040); and "serious bodily injury" (I.C. 35-31.5-2-291; Instruction No. 14.3620).

The term "law enforcement officer" is also defined by law (I.C. 35-31.5-2-185; Instruction No. 14.2440), but the term and the instruction must be expanded for purposes of this offense to include "alcoholic beverage enforcement officer" and "conservation officer of the department of natural resources." I.C. 35-44-3-3(c).

Instruction No. 5.3070. Interfering with Public Safety (Entering Prohibited Area) (effective for crimes committed July 1, 2019 or after).

I.C. 35-44.1-3-1(b).

The crime of interfering with public safety is defined by law as follows:

A person who, having been denied entry by, a firefighter, an emergency medical services provider, or a law enforcement officer, [knowingly] [intentionally] enters an area that is marked off with barrier tape or other physical barriers commits interfering with public safety, a Class B misdemeanor. [The offense is a Level 6 felony if, while committing it, the person (uses a vehicle to commit the offense) (draws or uses a deadly weapon) (inflicts bodily injury on or otherwise causes bodily injury to another person) (operates a vehicle in a manner that creates a substantial risk of bodily injury to another person).] [The offense is a Level 5 felony if, while committing it, the person operates a vehicle in a manner that causes serious bodily injury to another person.] [The offense is a Level 3 felony if, while committing it, the person operates a vehicle in a manner that causes the death or catastrophic injury of another person.] [The offense is a Level 2 felony if the person operates a vehicle in a manner that causes the death or catastrophic injury of an emergency medical services provider or a law enforcement officer while the emergency medical service provider or law enforcement officer is engaged in the emergency medical service provider's or officer's official duties.]

Before you may convict the Defendant, the State must have proved each of the following:

1. The Defendant
2. after having been denied entry by _____ (name), [a firefighter] [an emergency medical services provider] [a law enforcement officer]
3. [knowingly] [intentionally]
4. enters an area that is marked off by barrier tape or other physical barriers
5. (for Level 6 felony) and, while committing the offense,

Defendant (used a vehicle to commit the offense)

(or)

(drew or used a deadly weapon)

(or)

(inflicted bodily injury on or caused bodily injury to [name person injured])

(or)

(operated a vehicle in a manner that created a substantial risk of bodily injury to another person)]

-
-
-
-
-
6. (for Level 5 felony) and, while committing the offense, Defendant operated a vehicle in a manner that caused serious bodily injury to _____ (name), another person]

- [7. (for Level 3 felony) and, while committing the offense, Defendant operated a vehicle in a manner that caused the [death] [catastrophic injury] of (name), another person]
- [8. (for Level 2 felony) and, while committing the offense, Defendant operated a vehicle in a manner that caused the [death] [catastrophic injury] of _____ (name), [an emergency medical services provider] [a law enforcement officer] while the [emergency medical services provider] [law enforcement officer] was engaged in his/her official duties].

If the State failed to prove each of these elements beyond a reasonable doubt, you must find the Defendant not guilty of interfering with public safety, a Class B misdemeanor/Level 6/5/3/2 felony, charged in Count _____.

Comments

Indiana Code Section 35-44.1-3-1 was separately amended by P.L. 186-2019 and P.L. 1114-2019, both effective July 1, 2019 and neither Act referring to the other. The amendments in these acts were not identical. P.L. 1114-2019 included the offense of interfering with law enforcement, but P.L. 186-2019 did not include or make any reference to this offense.

The following terms are defined by law: “bodily injury” (I.C. 35-31.5-2-29, Instruction No. 14.0420); “deadly weapon” (I.C. 35-31.5-2-86; Instruction No. 14.1040); and “serious bodily injury” (I.C. 35-31.5-2-291; Instruction No. 14.3620).

The term “law enforcement officer” is also defined by law (I.C. 35-31.5-2-185; Instruction No. 14.2440), but the term and the instruction must be expanded for purposes of this offense to include “alcoholic beverage enforcement officer” and “conservation officer of the department of natural resources.” I.C. 35-44-3-3(c).

It has been held that, despite the “while the officer is lawfully engaged in the execution of his duties” language, the statute does not authorize a person to resist a peaceful arrest by one the person knows or has reason to know is a police officer performing his duties, regardless of whether the arrest is lawful or unlawful. *Dora v. State*, 783 N.E.2d 322 (Ind. Ct. App. 2003), *transfer denied*, 792 N.E.2d 41 (Ind. 2003). But there are exceptions to this general rule, as when the officer has made an illegal entry into a residence to effect an arrest, or when an officer is using unconstitutionally excessive force. *See Shoultz v. State*, 735 N.E.2d 818, 823 (Ind. Ct. App. 2000).

Instruction No. 5.3080. Interfering with Public Safety (Defense) (effective for crimes committed July 1, 2019 or after).

I.C. 35-44.1-3-1(h).

It is a defense to the offense of interfering with public safety that the person reasonably believed that the person's family member:

- (1) was in the marked off area; and
- (2) had suffered bodily injury or was at risk of suffering bodily injury;

if the person is not charged as a defendant in connection with the offense that caused the area to be secured by barrier tape or other physical barriers.

The term "family member" as used for this defense means a child, grandchild, parent, grandparent, or spouse of the person.

Comments

Indiana Code Section 35-44.1-3-1 was separately amended by P.L. 186-2019 and P.L. 1114-2019, both effective July 1, 2019 and neither Act referring to the other. The amendments in these acts were not identical. P.L. 1114-2019 included the offense of interfering with law enforcement, but P.L. 186-2019 did not include or make any reference to this offense.

Instruction No. 5.3200. Disarming a Law Enforcement Officer.**I.C. 35-44.1-3-2.**

The crime of disarming a law enforcement officer is defined by law as follows:

A person who knows that another person is an officer, and [knowingly] [intentionally] [takes] [attempts to take] [a firearm] [a weapon] that the officer is authorized to carry from the officer or from the immediate proximity of the officer, without the consent of the officer and while the officer is engaged in the performance of his or her official duties, commits disarming a law enforcement officer, a Level 5 felony. [The offense is a Level 3 felony if it results in serious bodily injury to the law enforcement officer.] [The offense is a Level 1 felony if it results in death to the law enforcement officer.]

Before you may convict the Defendant, the State must have proved each of the following beyond a reasonable doubt:

1. The Defendant
2. knew that (name officer) was an officer, and
3. [knowingly] [intentionally]
4. [took] [attempted to take]
5. from [(name officer)] [the immediate proximity of (name officer)]
6. [a firearm] [a weapon] which (name officer) was authorized to carry
7. without the consent of [name officer]
8. while [name officer] was engaged in the performance of [his] [her] official duties
- [9. (for Level 3 felony) and Defendant's conduct resulted in serious bodily injury to (name law enforcement officer)]
- [10. (for Level 1 felony) and Defendant's conduct resulted in the death of (name officer)].

If the State failed to prove each of these elements beyond a reasonable doubt, you must find the Defendant not guilty of disarming a law enforcement officer, a Level 5/3/1 felony, charged in Count _____.

Comments

The following terms are defined by law: "firearm" (I.C. 35-31.5-2-133; Instruction No. 14.1720); "officer" (I.C. 35-31.5-2-217.5; Instruction No. 14.2780); and "serious bodily injury" (I.C. 35-31.5-2-291; Instruction No. 14.3620).

(Text continued on page 5-41)

CHAPTER 6

OFFENSES AGAINST PUBLIC HEALTH, ORDER AND DECENCY (effective for crimes committed July 1, 2014 or after)

SYNOPSIS

Instruction No. 6.0020.	Rioting.
Instruction No. 6.0060.	Disorderly Conduct.
Instruction No. 6.0200.	Intimidation.
Instruction No. 6.0400.	Public Indecency.
Instruction No. 6.0440.	Public Nudity.
Instruction No. 6.0600.	Prostitution.
Instruction No. 6.0640.	Making an Unlawful Proposition.
Instruction No. 6.0680.	Promoting Prostitution.
Instruction No. 6.0800.	Voyeurism.
Instruction No. 6.0820.	Remote Aerial Voyeurism.
Instruction No. 6.0840.	Public Voyeurism.
Instruction No. 6.1000.	Unlawful Gambling.
Instruction No. 6.1040.	Professional Gambling.
Instruction No. 6.1080.	Professional Gambling Over the Internet.
Instruction No. 6.1120.	Maintaining a Professional Gambling Site.
Instruction No. 6.1160.	Promoting Professional Gambling (Gambling Device).
Instruction No. 6.1200.	Promoting Professional Gambling (Gambling Information).
Instruction No. 6.1240.	Promoting Professional Gambling (Providing a Place).
Instruction No. 6.1500.	Corrupt Business Influence.
Instruction No. 6.1700.	Loansharking.
Instruction No. 6.2000.	Consumer Product Tampering (Poison).
Instruction No. 6.2040.	Consumer Product Tampering (Label).
Instruction No. 6.2300.	Criminal Organization Activity.
Instruction No. 6.2340.	Criminal Organization Intimidation.
Instruction No. 6.2380.	Criminal Organization Recruitment.
Instruction No. 6.2600.	Failure to Restrain a Dog.

- Instruction No. 6.2800. Stalking.
- Instruction No. 6.2850. Remote Aerial Harassment.
- Instruction No. 6.3000. Abuse of a Corpse.
- Instruction No. 6.3200. Unlawful Use of Telecommunication Services (Making Unlawful Telecommunication Device).
- Instruction No. 6.3240. Unauthorized Use of Telecommunication Services (Sale of Unlawful Telecommunications Device).
- Instruction No. 6.3280. Unauthorized Use of Telecommunication Services (Unlawful Plans or Instructions).
- Instruction No. 6.3320. Unauthorized Use of Telecommunication Services (Providing Materials).
- Instruction No. 6.3360. Unauthorized Use of Telecommunication Services (Publishing Information).
- Instruction No. 6.3600. Money Laundering.
- Instruction No. 6.3640. Money Laundering.
- Instruction No. 6.4000. Malicious Mischief.
- Instruction No. 6.4040. Malicious Mischief with Food.
- Instruction No. 6.4400. Promoting Combative Fighting.
- Instruction No. 6.4700. Transferring Contaminated Body Fluids.
- Instruction No. 6.5000. Recklessly Violating or Failing to Comply with IC 16-41-7.
- Instruction No. 6.5400. Interference with Medical Services.

Instruction No. 6.0020. Rioting.**I.C. 35-45-1-2.**

The crime of rioting is defined by law as follows:

A person who, being a member of an unlawful assembly, recklessly, knowingly, or intentionally engages in tumultuous conduct commits **rioting**, a Class A misdemeanor. [However, the offense is a Level 6 felony if it is committed while armed with a deadly weapon, results in serious bodily injury, or causes property damage of at least seven hundred fifty dollars (\$750) and less than fifty thousand dollars (\$50,000).] [The offense is a Level 5 felony if results in catastrophic injury or death, or causes property damage of at least fifty thousand dollars \$50,000.)]

Before you may convict the Defendant, the State must have proved each of the following beyond a reasonable doubt:

1. The Defendant
2. while he/she was a member of an unlawful assembly
3. [recklessly] [knowingly] [intentionally]
4. engaged in tumultuous conduct
5. (for Level 6 felony) and Defendant committed the offense while armed with a deadly weapon [or] the crime resulted in serious bodily injury; [or] the crime caused property damage of at least \$750 and less than \$50,000]
6. (for Level 5 felony) The crime resulted in catastrophic injury or death [or] Defendant caused property damage of at least \$50,000.]

If the State failed to prove each of these elements beyond a reasonable doubt, you must find the Defendant not guilty of rioting, a Class A misdemeanor/Level 6/5 felony, charged in Count _____.

Comments

The following terms are defined by law: “tumultuous conduct” (I.C. 35-31.5-2-338; Instruction No. 14.4260); and “unlawful assembly” (I.C. 35-31.5-2-341; Instruction No. 14.4340).

Instruction No. 6.0060. Disorderly Conduct.**I.C. 35-45-1-3.**

A person who [recklessly] [knowingly] [intentionally] [engages in fighting or in tumultuous conduct] [makes unreasonable noise and continues to do so after being asked to stop] [disrupts a lawful assembly of persons], commits disorderly conduct, a Class B misdemeanor. [The offense is a Level 6 felony if it (adversely affects airport security and is committed in an airport (as defined in I.C. 8-21-1-1) or on the premises of an airport, including in a parking area, a maintenance bay, or an aircraft hangar) (is committed within five-hundred (500) feet of {the location where a burial is being performed} {a funeral procession, if the person knows that the funeral procession is taking place} {a building in which [a funeral or memorial service] [the viewing of a deceased person] is being conducted}) and (it adversely affects the [funeral] [burial] [viewing] [funeral procession] [memorial service])).]

Before you may convict the Defendant, the State must have proved each of the following beyond a reasonable doubt:

1. The Defendant;
2. [recklessly] [knowingly] [intentionally]
3. [engaged in (fighting) or (tumultuous conduct)]
[or]
[made unreasonable noise and continued to do so after having been asked to stop]
[or]
[disrupted a lawful assembly of persons]
4. (for Level 6 felony) (in an airport) or (on the premises of an airport) and thereby adversely affected airport security];
[or]
[(for Level 6 felony) within five-hundred (500) feet of
(the location where a burial was being performed)
(or)
(a funeral procession, when the Defendant knew the funeral procession was taking place)
(or)
(a building in which {a funeral} {a memorial service} {the viewing of a deceased person} was being conducted)
and

the Defendant's conduct adversely affected the (funeral) (burial) (viewing)
(Text continued on page 6-5)

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

while intoxicated resulting in serious bodily injury offenses.

The Committee notes that there is a variety of language used in the statutes to characterize the relationship between the driving and the injury. I.C. 9-26-1-1 establishes the particular duties of the driver to stop, provide assistance, and give information; that statute refers to "an accident that *results* in the injury or death of a person." The statute which defines the crime, however, imposes liability on a driver for failing to stop "after *causing* injury to a person," and makes the class of the crime more severe when "the accident *involves*" serious bodily injury or death. The Committee has used these terms in the instruction in the same manner they are used in the statutes.

Instruction No. 7.3740. Leaving the Scene of an Accident Involving Other Persons (Offenses On or After Jan. 1, 2015).

I.C. 9-26-1-1.1.

The crime of leaving the scene of an accident is defined by law as follows:

The operator of a motor vehicle who [knows the vehicle was involved in an accident] [should have known that the vehicle was involved in an accident] is under a legal duty to:

- immediately stop the motor vehicle at the scene of the accident, or as close to the accident as possible in a manner that does not obstruct traffic more than is necessary;
- remain at the scene of the accident until the operator:
 - gives the operator's name and address and the registration number of the vehicle the operator was driving to any person involved in the accident and
 - exhibits the operator's driver's license to any person involved in the accident or any person attending to any vehicle involved in the accident.

[If the accident results in the injury or death of another person, the operator shall, in addition to the requirements above:

- provide reasonable assistance to each person [injured in] [entrapped by] the accident, as directed by a law enforcement officer, medical personnel, or a 911 telephone operator, and
- Immediately give notice of the accident by the quickest means of communication to:
 - the local police department, if the accident occurs within a municipality
 - the office of the county sheriff or the nearest state police post, if the accident occurs outside a municipality.

A person who [knowingly] [intentionally] fails to comply with this legal duty commits the crime of leaving the scene of an accident, a Class B misdemeanor. [The offense is a Class A misdemeanor if it results in bodily injury to another person.] [The offense is a Level 6 felony if the accident involves serious bodily injury to a person.] [The offense is a Level 5 felony if the accident involves the death of a person.] [The offense is a Level 3 felony if it is committed during or after the commission of (operating while intoxicated) causing (serious bodily injury) (death or catastrophic injury).]

Before you may convict the Defendant, the State must have proved each of the following beyond a reasonable doubt:

1. The Defendant
2. was the operator of a vehicle involved in an accident

3. the Defendant

[knew that (he) (she) had been in an accident]

[or]

[should have known that (he) (she) had been in an accident]

[or]

[(when personal injury is alleged) should have reasonably anticipated that the accident resulted in injury to a person]

4. and the Defendant [knowingly] [intentionally]

5. (select items under this element below as alleged in charge)

[did not immediately stop the (his)(her) vehicle (at the scene of the accident) (as close to the accident as possible in a manner that did not obstruct traffic more than was necessary) and

[did not remain at the scene of the accident until (he) (she) had:

(given (his) (her) name, address, and the registration number of the vehicle (he) (she) had been driving to any person involved in the accident) and

(exhibited (his) (her) driver's license to any person involved in the accident or any person attending to any vehicle involved in the accident)

[when the accident resulted in the (injury) (death) of another person, failed to: (provide reasonable assistance to each person {injured in} {entrapped by} the accident, as directed by {a law enforcement officer} {medical personnel} {a 911 telephone operator})

(immediately give notice of the accident by the quickest means of communication to:

{the local police department of the municipality in which the accident occurred}

{(when the accident did not occur in a municipality) the county sheriff's office or the nearest state police post})

[6. (for Class A misdemeanor) and the accident resulted in bodily injury to (name)]

[7. (for Level 6 felony) and the accident involved serious bodily injury to (name)]

[8. (for Level 5 felony) and the accident involved the death of (name)]

[9. (for Level 3 felony) and the Defendant committed the leaving the scene

of an accident after the Defendant had committed the offense of

(operating while intoxicated) causing (serious bodily injury) (death or catastrophic injury).].

If the State failed to prove each of these elements beyond a reasonable doubt, you must find the Defendant not guilty of leaving the scene of an accident, a Class B/A misdemeanor/Level 6/5/3 felony.

Comment

Use these instructions for offenses that occur on or after January 1, 2015. For offenses occurring prior to that date, use Instruction No. 7.3700.

The following terms are defined by law: “entrapment and entrapped” (I.C. 9-13-2-49.7; Instruction No. 14.1520); “serious bodily injury” (I.C. 35-31.5-2-291; Instruction No. 14.3620); and “vehicle” (I.C. 9-13-2-196(f); Instruction No. 14.4440).

Trial of leaving the scene of an accident as a Level 6 felony for prior conviction of an I.C. 9-30-10-4(a) offense must be bifurcated—*see* Instruction No. 15.6800.

The instruction employs the language used by the Indiana Supreme Court in holding that a knowledge element of having been involved in an accident was implied in a prior version of this offense:

The jury may infer that a defendant knew that an accident occurred or that people were injured from an examination of the circumstances of the event. Where conditions were such that the driver should have known that an accident occurred or should have reasonably anticipated that the accident resulted in injury to a person, the requisite proof of knowledge is present.

Micinski v. State, 487 N.E.2d 150, 153 (Ind. 1986).

If the defendant will not stipulate that he had committed the offense of operating while intoxicated resulting in serious bodily injury, it will be necessary to have the jury determine that he had. *See* Instruction Nos. 7.3900, 7.3940, 7.3980, and 7.4200 for the instructions on the respective versions of the operating while intoxicated resulting in serious bodily injury offenses.

(Text continued on page 7-115)

CHAPTER 8

CONTROLLED SUBSTANCES (effective for crimes committed July 1, 2014 or after, unless otherwise noted)

SYNOPSIS

- Instruction No. 8.0100.** Dealing in Cocaine or a Narcotic Drug (Manufacturing, financing manufacture, delivering, financing delivery).
- Instruction No. 8.0150.** Dealing in Cocaine or a Narcotic Drug (Possession with intent to manufacture or finance manufacture).
- Instruction No. 8.0200.** Dealing in a controlled substance by a practitioner (effective for crimes committed July 1, 2019 or after).
- Instruction No. 8.0300.** Dealing in Methamphetamine.
- Instruction No. 8.0400.** Manufacturing Methamphetamine.
- Instruction No. 8.0800.** Dealing in a Schedule I, II, or III Controlled Substance.
- Instruction No. 8.0800(a).** Dealing in a Schedule I, II, or III Controlled Substance (effective for crimes committed July 1, 2019 or after).
- Instruction No. 8.0900.** Dealing in a Schedule I, II, or III Controlled Substance Resulting in Death.
- Instruction No. 8.1000.** Dealing in a Schedule IV Controlled Substance.
- Instruction No. 8.1000(a).** Dealing in a Schedule IV Controlled Substance (effective for crimes committed July 1, 2019 or after).
- Instruction No. 8.1100.** Dealing in a Schedule IV Controlled Substance Resulting in Death.
- Instruction No. 8.1200.** Dealing in a Schedule V Controlled Substance.
- Instruction No. 8.1200(a).** Dealing in a Schedule V Controlled Substance (effective for crimes committed July 1, 2019 or after).
- Instruction No. 8.1300.** Dealing in a Schedule V Controlled Substance Resulting in Death.
- Instruction No. 8.1500.** Dumping Controlled Substance Waste.
- Instruction No. 8.1800.** Dealing in Substance Represented to Be Controlled Substance.
- Instruction No. 8.1900.** Manufacture or Distribution of Substance Represented to Be Controlled Substance.
- Instruction No. 8.2000.** Manufacture or Distribution of Substance Represented to Be Controlled Substance (effective for crimes committed July 1, 2019 or after).
- Instruction No. 8.2200.** Dealing in a Counterfeit Substance.

- Instruction No. 8.2500. Possession of Cocaine or a Narcotic Drug.
- Instruction No. 8.2700. Possession of Methamphetamine.
- Instruction No. 8.3000. Possession of a I, II, III, or IV Controlled Substance.
- Instruction No. 8.3000(a). Possession of a I, II, III, or IV Controlled Substance (effective for crimes committed July 1, 2019 or after).
- Instruction No. 8.3300. Possession of a Schedule V Substance.
- Instruction No. 8.3700. Possessing Ammonia with Intent to Manufacture Methamphetamine.
- Instruction No. 8.3900. Possessing Reagents or Precursors with Intent to Manufacture Controlled Substance.
- Instruction No. 8.4100. Possessing Ephedrine, Pseudoephedrine or Phenylpropanolamin.
- Instruction No. 8.4500. Unlawful Sale of a Precursor.
- Instruction No. 8.4700. Possession of Precursor
- Instruction No. 8.5000. Manufacture of Paraphernalia.
- Instruction No. 8.5200. Dealing in Paraphernalia.
- Instruction No. 8.5400. Possession of Paraphernalia.
- Instruction No. 8.5700. Dealing in Marijuana, Hash Oil, Hashish, or Salvia.
- Instruction No. 8.6000. Dealing in a Synthetic Drug or Synthetic Drug Lookalike Substance (Infraction as basis for Level 6 Felony).
- Instruction No. 8.6200. Dealing in a Synthetic Drug or Synthetic Drug Lookalike Substance (Misdemeanor).
- Instruction No. 8.6500. Possession of Marijuana, Hash Oil, Hashish, or Salvia.
- Instruction No. 8.6700. Possession of Synthetic Drug or Synthetic Drug Lookalike Substance.
- Instruction No. 8.6900. Unlawful Possession of a Legend Drug.
- Instruction No. 8.7100. Unlawful Possession of an Injection Device.
- Instruction No. 8.7400. Exposure of a Minor or Endangered Adult to Drugs or Controlled Substances.
- Instruction No. 8.7600. Maintaining a Common Nuisance.
- Instruction No. 8.7650. Defense to Maintaining a Common Nuisance.
- Instruction No. 8.7800. Distribution in Violation of I.C. 35-48-3.
- Instruction No. 8.8000. Manufacture or Distribution Unauthorized by Registration.
- Instruction No. 8.8200. Failure to Document.
- Instruction No. 8.8400. Refusal of Inspection.
- Instruction No. 8.8600. Distribution Without an Order Form.
- Instruction No. 8.8800. Use of Fictitious Registration Number.
- Instruction No. 8.9000. False Documentation.
- Instruction No. 8.9200. Counterfeit Trademarking.
- Instruction No. 8.9300. Dealing in a Controlled Substance by a Practitioner.
- Instruction No. 8.9400. Possession of a Controlled Substance by Misrepresentation.
- Instruction No. 8.9600. False Labeling of a Controlled Substance.

Instruction No. 8.9800. Unlawful Duplication of Prescription Pads.*(Text continued on page 8-3)*

()

hundred [500] feet of [school property] [a public park] while a person under eighteen [18] years of age was reasonably expected to be present).

The person delivered or financed the delivery of the drug to a person under eighteen (18) years of age at least three (3) years junior to the person.

The person manufactured or financed the manufacture of the drug.

The person committed the offense in the physical presence of a child less than eighteen (18) years of age, knowing that the child was present and might be able to see or hear the offense. The person committed the offense on the property of a: penal facility; or juvenile facility (as defined in IC 35-44.1-3-5). The person knowingly committed the offense in, on, or within one hundred (100) feet of a facility. For purposes of this subdivision, "facility" means a place that is:

- (A) created and funded under IC 12-23-14 or IC 33-23-16;
- (B) certified under IC 12-23-1-6; or
- (C) used for the purpose of conducting a recovery or support group meeting;

and at which a drug abuser (as defined in IC 12-7-2-73) may be provided with treatment, care, or rehabilitation.

In element 4. of the instruction, select and insert the alleged enhancing circumstance(s) from the following list:

the Defendant committed the offense while in possession of a firearm.

the Defendant committed the offense (on a school bus) (in, on, or within five hundred [500] feet of [school property] [a public park] while a person under eighteen [18] years of age was reasonably expected to be present).

the Defendant delivered or financed the delivery of the drug to a person under eighteen (18) years of age at least three (3) years junior to the Defendant.

the Defendant manufactured or financed the manufacture of the drug.

the Defendant committed the offense in the physical presence of a child less than eighteen (18) years of age, knowing that the child was present and might be able to see or hear the offense. The person committed the offense on the property of a: penal facility; or juvenile facility (as defined in IC 35-44.1-3-5). The person knowingly committed the offense in, on, or within one hundred (100) feet of a facility. For purposes of this subdivision, "facility" means a place that is:

- (A) created and funded under IC 12-23-14 or IC 33-23-16;
- (B) certified under IC 12-23-1-6; or
- (C) used for the purpose of conducting a recovery or support group meeting;

and at which a drug abuser (as defined in IC 12-7-2-73) may be provided with treatment, care, or rehabilitation.

If the case involves possession with intent as an element of the offense, the committee suggests the following language be added as an additional element: [and there is evidence in addition to the weight of the drug that the Defendant intended to manufacture or deliver the controlled substance or controlled substance analog] OR [the amount of the drug involved is at least twenty-eight (28) grams.]

Trial of the offense as a Level 4, 3, or 2 felony because the Defendant has a prior conviction for dealing in a controlled substance must be bifurcated. *See* Instruction 15.5080.

If sought by the State a sentence enhancement for firearm use or handgun, sawed-off shotgun, or machine gun possession may be imposed after a bifurcated proceeding. *See* Instruction No. 15.5170. Note that trifurcation is not required if this enhancement is sought in a case in which bifurcation is required for an enhancement based on a prior conviction. *See Shelton v. State*, 602 N.E.2d 1017 (Ind. 1992) (trifurcated proceeding is not required “when the State seeks both a charge elevation and an habitual offender determination”).

The following terms are defined by law: “child” (I.C. 35-31.5-2-38; Instruction No. 14.0540); “controlled substance” (I.C. 35-31.5-2-64; Instruction No. 14.0780); “controlled substance analog” (I.C. 35-48-1-9.3; Instruction No. 14.0781) “delivery” (I.C. 35-31.5-2-89; Instruction No. 14.1060); “drug” (I.C. 35-31.5-2-104; Instruction No. 14.1360); “firearm” (I.C. 35-31.5-2-133; Instruction No. 14.1720); “manufacture” (I.C. 35-31.5-2-192; Instruction No. 14.2520); “public park” (I.C. 35-31.5-2-258; Instruction No. 14.3280); “school bus” (I.C. 35-31.5-2-283; Instruction No. 14.3540); “school property” (I.C. 35-31.5-2-285; Instruction No. 14.3560);

It is not necessary for the jury to determine whether the substance is classified as a controlled substance on a particular schedule. The Court does this, as a matter of law. *See Russell v. State*, 182 Ind. App. 386, 395 N.E.2d 791 (1979) (whether marijuana a “controlled substance” not a question of fact for the jury; trial judge properly took judicial notice of statutes and instructed the jury marijuana is a “controlled substance”).

Under the drug offenses in effect until July 1, 2014, it was held that knowledge or intent as to the school or park proximity enhancement factors was not required. *Walker v. State*, 668 N.E.2d 243 (Ind. 1996).

Instruction No. 8.0900. Dealing in a Schedule I, II, or III Controlled Substance Resulting in Death.

35-42-1-1.5.

The crime of dealing in a controlled substance resulting in death is defined by law as follows:

A person who knowingly or intentionally manufactures or delivers a controlled substance or controlled substance analog, in violation of:

- (1) *IC 35-48-4-1 (dealing in cocaine or a narcotic drug);*
- (2) *IC 35-48-4-1.1 (dealing in methamphetamine);*
- (3) *IC 35-48-4-1.2 (manufacturing methamphetamine); or*
- (4) *IC 35-48-4-2 (dealing in a schedule I, II, or III controlled substance);*

that, when the controlled substance is used, injected, inhaled, absorbed, or ingested, results in the death of a human being who used the controlled substance, commits dealing in a controlled substance resulting in death, a Level 1 felony.

Before you may convict the Defendant, the State must have proved each of the following beyond a reasonable doubt:

1. The Defendant;
2. knowingly or intentionally;
3. (manufactured) (delivered);
4. a (Controlled Substance) (Controlled Substance Analog);
5. in violation of:
 - (1) *IC 35-48-4-1 (dealing in cocaine or a narcotic drug);*
 - (2) *IC 35-48-4-1.1 (dealing in methamphetamine);*
 - (3) *IC 35-48-4-1.2 (manufacturing methamphetamine); or*
 - (4) *IC 35-48-4-2 (dealing in a schedule I, II, or III controlled substance);*and
6. when the controlled substance was used, injected, inhaled, absorbed, or ingested, resulted in the death of {Victim} a human being who used the controlled substance.

If the State failed to prove each of these elements beyond a reasonable doubt, you must find the Defendant not guilty of Dealing in a Controlled Substance Resulting in Death, a Level 1 felony, charged in Count _____.

Comments

It is not a defense to the offense of dealing in a controlled substance resulting in death that the human being died:

- (1) after voluntarily using, injecting, inhaling, absorbing, or ingesting a controlled substance or controlled substance analog; or
- (2) as a result of using the controlled substance or controlled substance analog in combination with alcohol or another controlled substance or with any other compound, mixture, diluent, or substance. IC 35-42-1-1.5(d).

Instruction No. 8.1000. Dealing in a Schedule IV Controlled Substance.**I.C. 35-48-4-3.**

The crime of dealing in a schedule IV controlled substance is defined by law as follows:

A person who {knowingly or intentionally [manufactures] [finances the manufacture of] [delivers] [finances the delivery of]} {possesses with intent to [manufacture] [deliver]} a controlled substance, pure or adulterated, classified in schedule IV commits dealing in a schedule IV controlled substance, a Class A misdemeanor.

[The offense is a Level 6 felony if the amount of the drug involved is (at least one [1] gram but less than five [5]) grams) (less than one [1] gram and [insert enhancing circumstance alleged—see Comments]).]

[The offense is a Level 5 felony if the amount of the drug involved is (at least five [5] grams but less than ten [10] grams) (at least one [1] gram but less than five [5] grams and [insert enhancing circumstance alleged—see Comments]).]

[The offense is a Level 4 felony if the amount of the drug involved is (at least ten [10] grams but less than twenty-eight [28] grams) (at least five [5] grams but less than ten [10] grams and [insert enhancing circumstance alleged—see Comments]).]

[The offense is a Level 3 felony if the amount of the drug involved is (at least twenty-eight [28] grams) (at least ten [10] grams but less than twenty-eight [28] grams and [insert enhancing circumstance alleged—see Comments]).]

Before you may convict the Defendant, the State must have proved each of the following beyond a reasonable doubt:

1. The Defendant

{2. knowingly or intentionally

[manufactured]

[or]

[financed the manufacture of]

[or]

[delivered]

[or]

[financed the delivery of]]

{or}

{2. [possessed, with intent to manufacture or deliver]}

3. a schedule IV controlled substance

[4. and

_____ (for Level 6 felony) {the amount of the drug involved was
(at least one [1] gram but less than five [5]) grams}

(or)

(less than one [1] gram and [insert enhancing circumstance alleged—see
Comments]).}

(for Level 5 felony) {the amount of the drug involved was
(at least five [5] grams but less than ten [10] grams)}

(or)

(at least one [1] gram but less than five [5] grams and [insert enhancing
circumstance alleged—see Comments])}

(for Level 4 felony) {(the amount of the drug involved was
(at least ten [10] grams but less than twenty-eight [28] grams)}

(or)

(at least five [5] grams but less than ten [10] grams and [insert enhancing
circumstance alleged—see Comments])}

(for Level 3 felony) {the amount of the drug involved was
(at least twenty-eight [28] grams)}

(or)

(at least ten [10] grams but less than twenty-eight [28] grams
and [insert enhancing circumstance alleged—see Comments])}

If the State failed to prove each of these elements beyond a reasonable doubt, you must find the Defendant not guilty of dealing in a schedule IV controlled substance, a (Class A misdemeanor) (Level 6/5/4/3) felony, as charged in Count _____.

Comments

In the paragraph defining the crime, select and insert the alleged enhancing circumstance(s) from the following I.C. 35-48-1-16.5 list:

The person committed the offense while in possession of a firearm.

The person committed the offense (on a school bus) (in, on, or within five hundred [500] feet of [school property] [a public park] while a person under eighteen [18] years of age was reasonably expected to be present).

The person delivered or financed the delivery of the drug to a person under eighteen (18) years of age at least three (3) years junior to the person.

The person manufactured or financed the manufacture of the drug.

The person committed the offense in the physical presence of a child less than eighteen (18) years of age, knowing that the child was present and might be able to see or hear the offense.

In element 4. of the instruction, select and insert the alleged enhancing circumstance(s) from the following list:

the Defendant committed the offense while in possession of a firearm.

the Defendant committed the offense (on a school bus) (in, on, or within five hundred [500] feet of [school property] [a public park] while a person under eighteen [18] years of age was reasonably expected to be present).

the Defendant delivered or financed the delivery of the drug to a person under eighteen (18) years of age at least three (3) years junior to the Defendant.

the Defendant manufactured or financed the manufacture of the drug.

the Defendant committed the offense in the physical presence of a child less than eighteen (18) years of age, knowing that the child was present and might be able to see or hear the offense.

Trial of the offense as a Level 6, 5, 4, or 3 felony because the Defendant has a prior conviction for dealing in a controlled substance must be bifurcated. *See* Instruction 15.5120.

If sought by the State a sentence enhancement for firearm use or handgun, sawed-off shotgun, or machine gun possession may be imposed after a bifurcated proceeding. *See* Instruction No. 15.5170. Note that trifurcation is not required if this enhancement is sought in a case in which bifurcation is required for an enhancement based on a prior conviction. *See Shelton v. State*, 602 N.E.2d 1017 (Ind. 1992) (trifurcated proceeding is not required “when the State seeks both a charge elevation and an habitual offender determination”).

The following terms are defined by law: “child” (I.C. 35-31.5-2-38; Instruction No. 14.0540); “controlled substance” (I.C. 35-31.5-2-64; Instruction No. 14.0780); “delivery” (I.C. 35-31.5-2-89; Instruction No. 14.1060); “drug” (I.C. 35-31.5-2-104; Instruction No. 14.1360); “firearm” (I.C. 35-31.5-2-133; Instruction No. 14.1720); “manufacture” (I.C. 35-31.5-2-192; Instruction No. 14.2520); “public park” (I.C. 35-31.5-2-258; Instruction No. 14.3280); “school bus” (I.C. 35-31.5-2-283; Instruction No. 14.3540); “school property” (I.C. 35-31.5-2-285; Instruction No. 14.3560).

It is not necessary for the jury to determine whether the substance is classified as a controlled substance on a particular schedule. The Court does this, as a matter of law. *See Russell v. State*, 182 Ind. App. 386, 395 N.E.2d 791 (1979) (whether marijuana a “controlled substance” not a question of fact for the jury; trial judge properly took judicial notice of statutes and instructed the jury marijuana is a “controlled substance”).

Under the drug offenses in effect until July 1, 2014, it was held that knowledge or intent as to the school or park proximity enhancement factors was not required.

Walker v. State, 668 N.E.2d 243 (Ind. 1996).

**Instruction No. 8.1000(a). Dealing in a Schedule IV Controlled Substance
(effective for crimes committed July 1, 2019 or after).**

I.C. 35-48-4-3.

The crime of dealing in a schedule IV controlled substance is defined by law as follows:

A person who {knowingly or intentionally [manufactures] [finances the manufacture of] [delivers] [finances the delivery of]} {possesses with intent to [manufacture] [deliver]} a controlled substance or a controlled substance analog, pure or adulterated, classified in schedule IV commits dealing in a schedule IV controlled substance, a Class A misdemeanor.

[The offense is a Level 6 felony if the amount of the drug involved is (at least one [1] gram but less than five [5] grams) (less than one [1] gram and _____ [insert enhancing circumstance alleged—see Comments]).]

[The offense is a Level 5 felony if the amount of the drug involved is (at least five [5] grams but less than ten [10] grams) (at least one [1] gram but less than five [5] grams and _____ [insert enhancing circumstance alleged—see Comments]).]

[The offense is a Level 4 felony if the amount of the drug involved is (at least ten [10] grams but less than twenty-eight [28] grams) (at least five [5] grams but less than ten [10] grams and [insert enhancing circumstance alleged—see Comments]).]

[The offense is a Level 3 felony if the amount of the drug involved is (at least twenty-eight [28] grams) (at least ten [10] grams but less than twenty-eight [28] grams and _____ [insert enhancing circumstance alleged—see Comments]).]

Before you may convict the Defendant, the State must have proved each of the following beyond a reasonable doubt:

1. The Defendant

{2. knowingly or intentionally

[manufactured]

[or]

[financed the manufacture of]

[or]

[delivered]

[or]

[financed the delivery of]}

{or}

{2. [possessed, with intent to manufacture or deliver]}

3. a schedule IV controlled substance or controlled substance analog

[4. and

(for Level 6 felony) {the amount of the drug involved was

(at least one [1] gram but less than five [5]) grams)

(or)

(less than one [1] gram and _____ [*insert enhancing circumstance alleged—see Comments*]).}

(for Level 5 felony) {the amount of the drug involved was

(at least five [5] grams but less than ten [10] grams)

(or)

(at least one [1] gram but less than five [5] grams and _____ [*insert enhancing circumstance alleged—see Comments*])

(for Level 4 felony) {(the amount of the drug involved was

(at least ten [10] grams but less than twenty-eight [28] grams)

(or)

(at least five [5] grams but less than ten [10] grams and [*insert enhancing circumstance alleged—see Comments*])

(for Level 3 felony) {the amount of the drug involved was

(at least twenty-eight [28] grams)

(or)

(at least ten [10] grams but less than twenty-eight [28] grams

and [*insert enhancing circumstance alleged—see Comments*])

[For any possession, with intent case:

there is evidence in addition to the weight of the drug that the Defendant intended to manufacture or deliver the controlled substance or controlled substance analog OR the amount of the drug was at least twenty-eight (28) grams.]

If the State failed to prove each of these elements beyond a reasonable doubt, you must find the Defendant not guilty of dealing in a schedule IV controlled substance, a (Class A misdemeanor) (Level 6/5/4/3) felony, as charged in Count _____.

Comments

In the paragraph defining the crime, select and insert the alleged enhancing circumstance(s) from the following I.C. 35-48-1-16.5 list:

The person committed the offense while in possession of a firearm.

The person committed the offense (on a school bus) (in, on, or within five hundred [500] feet of [school property] [a public park] while a person under eighteen [18] years of age was reasonably expected to be present).

The person delivered or financed the delivery of the drug to a person under eighteen (18) years of age at least three (3) years junior to the person.

The person manufactured or financed the manufacture of the drug.

The person committed the offense in the physical presence of a child less than eighteen (18) years of age, knowing that the child was present and might be able to see or hear the offense. The person committed the offense on the property of a: penal facility; or juvenile facility (as defined in IC 35-44.1-3-5). The person knowingly committed the offense in, on, or within one hundred (100) feet of a facility. For purposes of this subdivision, "facility" means a place that is:

- (A) created and funded under IC 12-23-14 or IC 33-23-16;
- (B) certified under IC 12-23-1-6; or
- (C) used for the purpose of conducting a recovery or support group meeting;

and at which a drug abuser (as defined in IC 12-7-2-73) may be provided with treatment, care, or rehabilitation.

In element 4. of the instruction, select and insert the alleged enhancing circumstance(s) from the following list:

the Defendant committed the offense while in possession of a firearm.

the Defendant committed the offense (on a school bus) (in, on, or within five hundred [500] feet of [school property] [a public park] while a person under eighteen [18] years of age was reasonably expected to be present).

the Defendant delivered or financed the delivery of the drug to a person under eighteen (18) years of age at least three (3) years junior to the Defendant.

the Defendant manufactured or financed the manufacture of the drug.

the Defendant committed the offense in the physical presence of a child less than eighteen (18) years of age, knowing that the child was present and might be able to see or hear the offense. The person committed the offense on the property of a: penal facility; or juvenile facility (as defined in IC 35-44.1-3-5). The person knowingly committed the offense in, on, or within one hundred (100) feet of a facility. For purposes of this subdivision, "facility" means a place that is:

- (A) created and funded under IC 12-23-14 or IC 33-23-16;
- (B) certified under IC 12-23-1-6; or
- (C) used for the purpose of conducting a recovery or support group meeting;

and at which a drug abuser (as defined in IC 12-7-2-73) may be provided with treatment, care, or rehabilitation.

Trial of the offense as a Level 6, 5, 4, or 3 felony because the Defendant has a prior conviction for dealing in a controlled substance must be bifurcated. *See* Instruction 15.5120.

If sought by the State a sentence enhancement for firearm use or handgun, sawed-off shotgun, or machine gun possession may be imposed after a bifurcated proceeding. *See* Instruction No. 15.5170. Note that trifurcation is not required. *See* *Shelton v. State*, 602 N.E.2d 1017 (Ind. 1992) (trifurcated proceeding is not required “when the State seeks both a charge elevation and an habitual offender determination”).

The following terms are defined by law: “child” (I.C. 35-31.5-2-38; Instruction No. 14.0540); “controlled substance” (I.C. 35-31.5-2-64; Instruction No. 14.0780); “controlled substance analog” (I.C. 35-48-1-9.3; Instruction No. 14.0781); “delivery” (I.C. 35-31.5-2-89; Instruction No. 14.1060); “drug” (I.C. 35-31.5-2-104; Instruction No. 14.1360); “firearm” (I.C. 35-31.5-2-133; Instruction No. 14.1720); “manufacture” (I.C. 35-31.5-2-192; Instruction No. 14.2520); “public park” (I.C. 35-31.5-2-258; Instruction No. 14.3280); “school bus” (I.C. 35-31.5-2-283; Instruction No. 14.3540); “school property” (I.C. 35-31.5-2-285; Instruction No. 14.3560).

It is not necessary for the jury to determine whether the substance is classified as a controlled substance on a particular schedule. The Court does this, as a matter of law. *See* *Russell v. State*, 182 Ind. App. 386, 395 N.E.2d 791 (1979) (whether marijuana a “controlled substance” not a question of fact for the jury; trial judge properly took judicial notice of statutes and instructed the jury marijuana is a “controlled substance”).

Under the drug offenses in effect until July 1, 2014, it was held that knowledge or intent as to the school or park proximity enhancement factors was not required. *Walker v. State*, 668 N.E.2d 243 (Ind. 1996).

Instruction No. 8.1100. Dealing in a Schedule IV Controlled Substance Resulting in Death.

35-42-1-1.5.

The crime of dealing in a controlled substance resulting in death is defined by law as follows:

A person who knowingly or intentionally manufactures or delivers a controlled substance, in violation of IC 35-48-4-3, that, when the controlled substance is used, injected, inhaled, absorbed, or ingested, results in the death of a human being who used the controlled substance, commits dealing in a controlled substance resulting in death, a Level 2 felony.

Before you may convict the Defendant, the State must have proved each of the following beyond a reasonable doubt:

1. The Defendant;
2. knowingly or intentionally;
3. (manufactured) (delivered);
4. a Controlled Substance;
5. in violation of: IC 35-48-4-1 (*dealing in Schedule IV controlled substance*);
and
6. when the controlled substance was used, injected, inhaled, absorbed, or ingested, resulted in the death of {Victim} a human being who used the controlled substance.

If the State failed to prove each of these elements beyond a reasonable doubt, you must find the Defendant not guilty of Dealing in a Controlled Substance Resulting in Death, a Level 2 felony, charged in Count _____.

Comments

It is not a defense to the offense of dealing in a controlled substance resulting in death that the human being died:

- (1) after voluntarily using, injecting, inhaling, absorbing, or ingesting a controlled substance or controlled substance analog; or
- (2) as a result of using the controlled substance or controlled substance analog in combination with alcohol or another controlled substance or with any other compound, mixture, diluent, or substance. IC 35-42-1-1.5(d).

Instruction No. 8.1200. Dealing in a Schedule V Controlled Substance.**I.C. 35-48-4-4.**

The crime of dealing in a schedule V controlled substance is defined by law as follows:

A person who {knowingly or intentionally [manufactures] [finances the manufacture of] [delivers] [finances the delivery of]} {possesses with intent to [manufacture] [finance the manufacture of] [deliver] [finance the delivery of]} a controlled substance, pure or adulterated, classified in schedule V commits dealing in a schedule V controlled substance, a Class B misdemeanor.

[The offense is a Class A misdemeanor if the amount of the drug involved is (at least one [1] gram but less than five [5] grams) (less than one [1] gram and [insert enhancing circumstance alleged—see Comments]).]

[The offense is a Level 6 felony if the amount of the drug involved is (at least five [5] grams but less than ten [10] grams) (at least one [1] gram but less than five [5] grams and [insert enhancing circumstance alleged—see Comments]).]

[The offense is a Level 5 felony if the amount of the drug involved is (at least ten [10] grams but less than twenty-eight [28] grams) (at least five [5] grams but less than ten [10] grams and [insert enhancing circumstance alleged—see Comments]).]

[The offense is a Level 4 felony if the amount of the drug involved is (at least twenty-eight [28] grams) (at least ten [10] grams but less than twenty-eight [28] grams and [insert enhancing circumstance alleged—see Comments]).]

Before you may convict the Defendant, the State must have proved each of the following beyond a reasonable doubt:

1. The Defendant

{2. knowingly or intentionally

[manufactured]

[or]

[financed the manufacture of]

[or]

[delivered]

[or]

[financed the delivery of]}

{or}

{2. [possessed, with intent to manufacture or deliver]

[or]

[possessed with intent to finance the manufacture or delivery of]}

3. a schedule V controlled substance

[4. and

(for *Class A misdemeanor*) {the amount of the drug involved was

(at least one [1] gram but less than five [5]) grams)

(or)

(less than one [1] gram and [*insert enhancing circumstance alleged—see Comments*]).}

(for *Level 6 felony*) {the amount of the drug involved was

(at least five [5] grams but less than ten [10] grams)

(or)

(at least one [1] gram but less than five [5] grams and [*insert enhancing circumstance alleged—see Comments*])}

(for *Level 5 felony*) {(the amount of the drug involved was

(at least ten [10] grams but less than twenty-eight [28] grams)

(or)

(at least five [5] grams but less than ten [10] grams and [*insert enhancing circumstance alleged—see Comments*])}

(for *Level 4 felony*) {the amount of the drug involved was

(at least twenty-eight [28] grams)

(or)

(at least ten [10] grams but less than twenty-eight [28] grams

and [*insert enhancing circumstance alleged—see Comments*])}

If the State failed to prove each of these elements beyond a reasonable doubt, you must find the Defendant not guilty of dealing in a schedule V controlled substance, a (Class B/A misdemeanor) (Level 6/5/4) felony, as charged in Count _____.

Comments

In the paragraph defining the crime, select and insert the alleged enhancing circumstance(s) from the following I.C. 35-48-1-16.5 list:

The person committed the offense while in possession of a firearm.

The person committed the offense (on a school bus) (in, on, or within five hundred [500] feet of [school property] [a public park] while a person under eighteen [18] years of age was reasonably expected to be present).

The person delivered or financed the delivery of the drug to a person under eighteen (18) years of age at least three (3) years junior to the person.

The person manufactured or financed the manufacture of the drug.

The person committed the offense in the physical presence of a child less than eighteen (18) years of age, knowing that the child was present and might be able to see or hear the offense.

In element 4. of the instruction, select and insert the alleged enhancing circumstance(s) from the following list:

the Defendant committed the offense while in possession of a firearm.

the Defendant committed the offense (on a school bus) (in, on, or within five hundred [500] feet of [school property] [a public park] while a person under eighteen [18] years of age was reasonably expected to be present).

the Defendant delivered or financed the delivery of the drug to a person under eighteen (18) years of age at least three (3) years junior to the Defendant.

the Defendant manufactured or financed the manufacture of the drug.

the Defendant committed the offense in the physical presence of a child less than eighteen (18) years of age, knowing that the child was present and might be able to see or hear the offense.

Trial of the offense as a Class A misdemeanor or a Level 6, 5, or 4 felony because the Defendant has a prior conviction for dealing in a controlled substance must be bifurcated. *See* Instruction 15.5160.

If sought by the State a sentence enhancement for firearm use or handgun, sawed-off shotgun, or machine gun possession may be imposed after a bifurcated proceeding. *See* Instruction No. 15.5170. Note that trifurcation is not required if this enhancement is sought in a case in which bifurcation is required for an enhancement based on a prior conviction. *See Shelton v. State*, 602 N.E.2d 1017 (Ind. 1992) (trifurcated proceeding is not required “when the State seeks both a charge elevation and an habitual offender determination”).

The following terms are defined by law: “child” (I.C. 35-31.5-2-38; Instruction No. 14.0540); “controlled substance” (I.C. 35-31.5-2-64; Instruction No. 14.0780); “delivery” (I.C. 35-31.5-2-89; Instruction No. 14.1060); “drug” (I.C. 35-31.5-2-104; Instruction No. 14.1360); “firearm” (I.C. 35-31.5-2-133; Instruction No. 14.1720); “manufacture” (I.C. 35-31.5-2-192; Instruction No. 14.2520); “public park” (I.C. 35-31.5-2-258; Instruction No. 14.3280); “school bus” (I.C. 35-31.5-2-283; Instruction No. 14.3540); “school property” (I.C. 35-31.5-2-285; Instruction No. 14.3560).

It is not necessary for the jury to determine whether the substance is classified as a controlled substance on a particular schedule. The Court does this, as a matter of law. *See Russell v. State*, 182 Ind. App. 386, 395 N.E.2d 791 (1979) (whether marijuana a “controlled substance” not a question of fact for the jury; trial judge properly took judicial notice of statutes and instructed the jury marijuana is a “controlled substance”).

Under the drug offenses in effect until July 1, 2014, it was held that knowledge or intent as to the school or park proximity enhancement factors was not required. *Walker v. State*, 668 N.E.2d 243 (Ind. 1996).

Instruction No. 8.1200(a). Dealing in a Schedule V Controlled Substance
(effective for crimes committed July 1, 2019 or after).

I.C. 35-48-4-4.

The crime of dealing in a schedule V controlled substance is defined by law as follows:

A person who {knowingly or intentionally [manufactures] [finances the manufacture of] [delivers] [finances the delivery of]} {possesses with intent to [manufacture] [finance the manufacture of] [deliver] [finance the delivery of]} a controlled substance or controlled substance analog, pure or adulterated, classified in schedule V commits dealing in a schedule V controlled substance, a Class B misdemeanor.

[The offense is a Class A misdemeanor if the amount of the drug involved is (at least one [1] gram but less than five [5] grams) (less than one [1] gram and _____ [insert enhancing circumstance alleged—see Comments]).]

[The offense is a Level 6 felony if the amount of the drug involved is (at least five [5] grams but less than ten [10] grams) (at least one [1] gram but less than five [5] grams and _____ [insert enhancing circumstance alleged—see Comments]).]

[The offense is a Level 5 felony if the amount of the drug involved is (at least ten [10] grams but less than twenty-eight [28] grams) (at least five [5] grams but less than ten [10] grams and _____ [insert enhancing circumstance alleged—see Comments]).]

[The offense is a Level 4 felony if the amount of the drug involved is (at least twenty-eight [28] grams) (at least ten [10] grams but less than twenty-eight [28] grams and _____ [insert enhancing circumstance alleged—see Comments]).]

Before you may convict the Defendant, the State must have proved each of the following beyond a reasonable doubt:

1. The Defendant

{2. knowingly or intentionally

[manufactured]

[or]

[financed the manufacture of]

[or]

[delivered]

[or]

[financed the delivery of]}

{or}

{2. [possessed, with intent to manufacture or deliver]

[or]

[possessed with intent to finance the manufacture or delivery of]]

3. a schedule V controlled substance or controlled substance analog

[4. and

(for Class A misdemeanor) {the amount of the drug involved was

(at least one [1] gram but less than five [5]) grams)

(or)

(less than one [1] gram and [insert enhancing circumstance alleged—see Comments]).}

(for Level 6 felony) {the amount of the drug involved was

(at least five [5] grams but less than ten [10] grams)

(or)

(at least one [1] gram but less than five [5] grams and _____ [insert enhancing circumstance alleged—see Comments])

(for Level 5 felony) {(the amount of the drug involved was

(at least ten [10] grams but less than twenty-eight [28] grams)

(or)

(at least five [5] grams but less than ten [10] grams and insert enhancing circumstance alleged—see Comments]

for Level 4 felony) {the amount of the drug involved was

(at least twenty-eight [28] grams)

(or)

(at least ten [10] grams but less than twenty-eight [28] grams

and [insert enhancing circumstance alleged—see Comments])

[For any possession, with intent case:

there is evidence in addition to the weight of the drug that the Defendant intended to manufacture or deliver the controlled substance or controlled substance analog OR the amount of the drug was at least twenty-eight (28) grams.]

If the State failed to prove each of these elements beyond a reasonable doubt, you must find the Defendant not guilty of dealing in a schedule V controlled substance, a (Class B/A misdemeanor) (Level 6/5/4) felony, as charged in Count _____.

Comments

In the paragraph defining the crime, select and insert the alleged enhancing

circumstance(s) from the following I.C. 35-48-1-16.5 list:

The person committed the offense while in possession of a firearm.

The person committed the offense (on a school bus) (in, on, or within five hundred [500] feet of [school property] [a public park] while a person under eighteen [18] years of age was reasonably expected to be present).

The person delivered or financed the delivery of the drug to a person under eighteen (18) years of age at least three (3) years junior to the person.

The person manufactured or financed the manufacture of the drug.

The person committed the offense in the physical presence of a child less than eighteen (18) years of age, knowing that the child was present and might be able to see or hear the offense. The person committed the offense on the property of a: penal facility; or juvenile facility (as defined in IC 35-44.1-3-5). The person knowingly committed the offense in, on, or within one hundred (100) feet of a facility. For purposes of this subdivision, "facility" means a place that is:

- (A) created and funded under IC 12-23-14 or IC 33-23-16;
- (B) certified under IC 12-23-1-6; or
- (C) used for the purpose of conducting a recovery or support group meeting;

and at which a drug abuser (as defined in IC 12-7-2-73) may be provided with treatment, care, or rehabilitation.

In element 4. of the instruction, select and insert the alleged enhancing circumstance(s) from the following list:

the Defendant committed the offense while in possession of a firearm.

the Defendant committed the offense (on a school bus) (in, on, or within five hundred [500] feet of [school property] [a public park] while a person under eighteen [18] years of age was reasonably expected to be present).

the Defendant delivered or financed the delivery of the drug to a person under eighteen (18) years of age at least three (3) years junior to the Defendant.

the Defendant manufactured or financed the manufacture of the drug.

the Defendant committed the offense in the physical presence of a child less than eighteen (18) years of age, knowing that the child was present and might be able to see or hear the offense. The person committed the offense on the property of a: penal facility; or juvenile facility (as defined in IC 35-44.1-3-5). The person knowingly committed the offense in, on, or within one hundred (100) feet of a facility. For purposes of this subdivision, "facility" means a place that is:

- (A) created and funded under IC 12-23-14 or IC 33-23-16;
- (B) certified under IC 12-23-1-6; or

(C) used for the purpose of conducting a recovery or support group meeting;

and at which a drug abuser (as defined in IC 12-7-2-73) may be provided with treatment, care, or rehabilitation.

Trial of the offense as a Class A misdemeanor or a Level 6, 5, or 4 felony because the Defendant has a prior conviction for dealing in a controlled substance must be bifurcated. *See* Instruction 15.5160.

If sought by the State a sentence enhancement for firearm use or handgun, sawed-off shotgun, or machine gun possession may be imposed after a bifurcated proceeding. *See* Instruction No. 15.5170. Note that trifurcation is not required if this enhancement is sought in a case in which bifurcation is required for an enhancement based on a prior conviction. *See* *Shelton v. State*, 602 N.E.2d 1017 (Ind. 1992) (trifurcated proceeding is not required “when the State seeks both a charge elevation and an habitual offender determination”).

The following terms are defined by law: “child” (I.C. 35-31.5-2-38; Instruction No. 14.0540); “controlled substance” (I.C. 35-31.5-2-64; Instruction No. 14.0780); “controlled substance analog” (I.C. 35-48-1-9.3; Instruction No. 14.0781); “delivery” (I.C. 35-31.5-2-89; Instruction No. 14.1060); “drug” (I.C. 35-31.5-2-104; Instruction No. 14.1360); “firearm” (I.C. 35-31.5-2-133; Instruction No. 14.1720); “manufacture” (I.C. 35-31.5-2-192; Instruction No. 14.2520); “public park” (I.C. 35-31.5-2-258; Instruction No. 14.3280); “school bus” (I.C. 35-31.5-2-283; Instruction No. 14.3540); “school property” (I.C. 35-31.5-2-285; Instruction No. 14.3560).

It is not necessary for the jury to determine whether the substance is classified as a controlled substance on a particular schedule. The Court does this, as a matter of law. *See* *Russell v. State*, 182 Ind. App. 386, 395 N.E.2d 791 (1979) (whether marijuana a “controlled substance” not a question of fact for the jury; trial judge properly took judicial notice of statutes and instructed the jury marijuana is a “controlled substance”).

Under the drug offenses in effect until July 1, 2014, it was held that knowledge or intent as to the school or park proximity enhancement factors was not required. *Walker v. State*, 668 N.E.2d 243 (Ind. 1996).

Instruction No. 8.1300. Dealing in a Schedule V Controlled Substance Resulting in Death.

35-42-1-1.5.

The crime of dealing in a controlled substance resulting in death is defined by law as follows:

A person who knowingly or intentionally manufactures or delivers a controlled substance, in violation of IC 35-48-4-4, an offense under IC 35-48-4 involving a synthetic drug (as defined in IC 35-31.5-2-321), a synthetic drug lookalike substance (as defined in IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled substance analog (as defined in IC 35-48-1-9.3), or a substance represented to be a controlled substance (as described in IC 35-48-4-4.6), that, when the controlled substance is used, injected, inhaled, absorbed, or ingested, results in the death of a human being who used the controlled substance, commits dealing in a controlled substance resulting in death, a Level 3 felony.

Before you may convict the Defendant, the State must have proved each of the following beyond a reasonable doubt:

1. The Defendant;
2. knowingly or intentionally;
3. (manufactured) (delivered);
 - (1) a Controlled Substance; (dealing in Schedule IV controlled substance), in violation of IC 35-48-4-4;
 - (2) an offense under IC 35-48-4 involving a synthetic drug (as defined in IC 35-31.5-2-321);
 - (3) a synthetic drug lookalike substance (as defined in IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under IC 35-48-4-10.5 (before its repeal on July 1, 2019),
 - (4) a controlled substance analog (as defined in IC 35-48-1-9.3), or
 - (5) a substance represented to be a controlled substance (as described in IC 35-48-4-4.6), and
4. when the controlled substance was used, injected, inhaled, absorbed, or ingested, resulted in the death of {Victim} a human being who used the controlled substance.

If the State failed to prove each of these elements beyond a reasonable doubt, you must find the Defendant not guilty of Dealing in a Controlled Substance Resulting in Death, a Level 3 felony, charged in Count _____.

Comments

It is not a defense to the offense of dealing in a controlled substance resulting in death that the human being died:

- (1) after voluntarily using, injecting, inhaling, absorbing, or ingesting a controlled substance or controlled substance analog; or
- (2) as a result of using the controlled substance or controlled substance analog in combination with alcohol or another controlled substance or with any other compound, mixture, diluent, or substance. IC 35-42-1-1.5(d).

(Text continued on page 8-36.7)

INDIANA PATTERN JURY INSTRUCTIONS— CRIMINAL

Fourth Edition

VOLUME 2

Written by the Criminal Instructions Committee of the Indiana Judges Association



LexisNexis®

QUESTIONS ABOUT THIS PUBLICATION?

For questions about the **Editorial Content** appearing in these volumes or reprint permission, please call:
Gary Laurie at (908) 673-3358
Email: gary.a.laurie@lexisnexis.com
Outside the United States and Canada, please call (973) 820-2000

For assistance with replacement pages, shipments, billing or other customer service matters, please call:
Customer Services Department at (800) 833-9844
Outside the United States and Canada, please call (518) 487-3385
Fax Number (800) 828-8341
Customer Service Website <http://www.lexisnexis.com/custserv/>

For information on other Matthew Bender publications, please call
Your account manager or (800) 223-1940
Outside the United States and Canada, please call (937) 247-0293

Library of Congress Card Number: 90-64426

ISBN: 978-1-6328-0524-9 (print)

Cite as:

[Vol. no.] Indiana Judges Association, Indiana Pattern Jury Instructions—Criminal, 4th Ed., [sec. no.]
— (*Matthew Bender*)

Example:

1 Indiana Judges Association, Indiana Pattern Jury Instructions—Criminal, 4th Ed., 1.01 — (*Matthew Bender*)

Copyright © 2022 Indiana Judges Association. All rights reserved.
Originally published in: 1980.

The Indiana Judges Association owns all copyright to the content of the Indiana jury instructions and commentary reproduced herein. Such content is available for non-commercial and personal use only—reproduction of this content for commercial purposes or for further distribution is strictly prohibited.

Editorial Office
230 Park Ave., 7th Floor, New York, NY 10169 (800) 543-6862
www.lexisnexis.com

MATTHEW  BENDER

Volume 2 Table of Contents

A COMPLETE SYNOPSIS FOR EACH CHAPTER APPEARS AT
THE BEGINNING OF THE CHAPTER

CHAPTER 11 INSANITY DEFENSE

- Instruction No. 11.0100. Sample Elements Instruction.
Instruction No. 11.0300. Mentally Ill—Definition.
Instruction No. 11.0500. Preliminary on Burden of Proof.
Instruction No. 11.0700. Definition of Defense of Insanity.
Instruction No. 11.0900. Preponderance of Evidence.
Instruction No. 11.1100. Temporary Insanity.
Instruction No. 11.1300. Expert Witnesses—Procedure.
Instruction No. 11.1500. Expert Testimony—Weight.
Instruction No. 11.1700. Consequences of Not Guilty By Reason of Insanity or Guilty But Mentally Ill Verdicts.

CHAPTER 12 EVIDENCE

- Instruction No. 12.0100. Direct Evidence and Circumstantial Evidence.
Instruction No. 12.0300. Defendant's Statement.
Instruction No. 12.0500. Defendant's Statement—Multiple Defendants.
Instruction No. 12.0700. Multiple Defendants—Separate Consideration.
Instruction No. 12.1000. Other Crimes, Wrongs, or Acts.
Instruction No. 12.1300. Impeachment—Prior Inconsistent Statements.
Instruction No. 12.1900. Motive.
Instruction No. 12.2300. Expert Testimony—Hypothetical Question.
Instruction No. 12.2500. Opinion of Layperson.
Instruction No. 12.2900. Date of Crime Charged.
Instruction No. 12.3100. Statute of Limitation—Defendant Out of State.
Instruction No. 12.3500. Agreed Facts.
Instruction No. 12.3700. Judicially Noticed Facts.
Instruction No. 12.4000. Depositions—Transcripts.
Instruction No. 12.4300. Inspection of Place.

CHAPTER 13 GENERAL INSTRUCTIONS

- Instruction No. 13.0100. Instructions to Be Considered as a Whole.
Instruction No. 13.0300. Duty of Judge and Jury.
Instruction No. 13.0500. Issue for Trial.
Instruction No. 13.0700. Information/Indictment Not Evidence.
Instruction No. 13.0900. Presumption of Innocence—Burden of Proof.
Instruction No. 13.1000. Burden of Proof—Reasonable Doubt—Final Instruction.

Volume 2 Table of Contents

- Instruction No. 13.1100. Credibility of Witnesses—Weighing Evidence.
Instruction No. 13.1300. Recalling Evidence.
Instruction No. 13.1500. Sympathy—Prejudice.
Instruction No. 13.1700. Rulings of Court.
Instruction No. 13.1900. Statements by Counsel.
Instruction No. 13.2100. Defendant Refuses Cross-Examination.
Instruction No. 13.2300. Defendant does not testify.
Instruction No. 13.2500. Defendant Testifies.
Instruction No. 13.2700. Jury Deliberations.
Instruction No. 13.2900. Duty of Alternate Juror in Deliberations.
Instruction No. 13.3100. Unanimous Decision on Crime.
Instruction No. 13.3300. Unanimous Decision on “Generic Evidence” of Multiple Acts.
Instruction No. 13.3500. Penalty Imposed by Court.
Instruction No. 13.3700. Included Offense Introduction [Instruction Numbers 13.3700, 13.3900, and 13.4100 should be given together and in sequence when a lesser included offense instruction is given.].
Instruction No. 13.3900. Charged offense—elements.
Instruction No. 13.4100. Included offense—elements.
Instruction No. 13.4300. Consider Separate Counts Individually.
Instruction No. 13.4500. Admonition at Breaks in Deliberations.

CHAPTER 14 DEFINITIONS

- Instruction No. 14.0020. Abandon.
Instruction No. 14.0025. Abandoned Structure.
Instruction No. 14.0040. Access.
Instruction No. 14.0060. Administer.
Instruction No. 14.0080. Adoptive Grandparent.
Instruction No. 14.0100. Adoptive Parent.
Instruction No. 14.0120. Adult.
Instruction No. 14.0125. Advertisement.
Instruction No. 14.0140. Agency.
Instruction No. 14.0142. Aggressive Driving (effective for crimes committed July 1, 2019 or after).
Instruction No. 14.0145. Agricultural Operation.
Instruction No. 14.0160. Alcohol Abuser.
Instruction No. 14.0180. Alcoholic Beverage.
Instruction No. 14.0200. Alien.
Instruction No. 14.0220. Ammonia Solution.
Instruction No. 14.0240. Animal Fighting Contest.
Instruction No. 14.0260. Animal Fighting Paraphernalia.
Instruction No. 14.0270. Armor-piercing Ammunition.

Volume 2 Table of Contents

Instruction No. 14.0280.	Assault Weapon.
Instruction No. 14.0300.	Battery.
Instruction No. 14.0400.	Beat.
Instruction No. 14.0420.	Bodily Injury.
Instruction No. 14.0440.	Booby Trap.
Instruction No. 14.0450.	Breaking.
Instruction No. 14.0460.	Business Relationship with an Agency.
Instruction No. 14.0480.	Camera.
Instruction No. 14.0500.	Card Skimming Device.
Instruction No. 14.0510.	Catastrophic Injury (effective for crimes committed July 1, 2019 or after).
Instruction No. 14.0520.	Cause of Death.
Instruction No. 14.0540.	Child (for Children and Firearms Offenses).
Instruction No. 14.0542.	Child (for Battery Offenses).
Instruction No. 14.0560.	Child Care Worker.
Instruction No. 14.0580.	Claim Statement.
Instruction No. 14.0600.	Cocaine.
Instruction No. 14.0620.	Coin Machine.
Instruction No. 14.0640.	Communicates.
Instruction No. 14.0660.	Component Part.
Instruction No. 14.0680.	Computer Network and Computer System (for Purposes of I.C. 35-43-2-3).
Instruction No. 14.0700.	Computer Program.
Instruction No. 14.0720.	Confine.
Instruction No. 14.0740.	Consumer.
Instruction No. 14.0760.	Consumer Product (for Purposes of I.C. 35-45-8).
Instruction No. 14.0780.	Controlled Substance.
Instruction No. 14.0781.	Controlled Substance Analog (effective for crimes committed July 1, 2019 or after).
Instruction No. 14.0800.	Correctional Professional.
Instruction No. 14.0820.	Corrections Officer.
Instruction No. 14.0860.	Counterfeit Substance.
Instruction No. 14.0880.	Credit Card.
Instruction No. 14.0900.	Credit Card Holder.
Instruction No. 14.0920.	Credit Institution.
Instruction No. 14.0940.	Crime.
Instruction No. 14.0945.	Crime of Domestic Violence.
Instruction No. 14.0960.	Criminal Organization.
Instruction No. 14.0980.	Curtilage.
Instruction No. 14.0990.	Custodian.
Instruction No. 14.0992.	Customer.

Volume 2 Table of Contents

Instruction No. 14.0995.	Damages, Permanently Removes an Object From, or Defaces Real Property.
Instruction No. 14.1000.	Data.
Instruction No. 14.1020.	Deadly Force.
Instruction No. 14.1040.	Deadly Weapon.
Instruction No. 14.1060.	Delivery.
Instruction No. 14.1080.	Denied Entry.
Instruction No. 14.1100.	Dependent.
Instruction No. 14.1120.	Destructive Device.
Instruction No. 14.1140.	Detonator.
Instruction No. 14.1160.	Disadvantaged Business Enterprise.
Instruction No. 14.1180.	Dispatched Firefighter.
Instruction No. 14.1200.	Dispense.
Instruction No. 14.1220.	Dispenser.
Instruction No. 14.1240.	Disseminate.
Instruction No. 14.1260.	Distribute.
Instruction No. 14.1280.	Distribute (Controlled Explosives Offenses).
Instruction No. 14.1290.	Distribute (Intimate Image) (effective for crimes committed July 1, 2019 or after).
Instruction No. 14.1300.	Distributor.
Instruction No. 14.1320.	Divest.
Instruction No. 14.1330.	DNA.
Instruction No. 14.1340.	Domestic Animal.
Instruction No. 14.1350.	Domestic Violence or Child Abuse Case.
Instruction No. 14.1360.	Drug.
Instruction No. 14.1380.	Drug Abuser.
Instruction No. 14.1382.	Drug or Alcohol Screening Test.
Instruction No. 14.1400.	Dwelling.
Instruction No. 14.1420.	Emergency Incident Area.
Instruction No. 14.1435.	Emergency Medical Services Person.
Instruction No. 14.1440.	Emergency Medical Services Provider.
Instruction No. 14.1460.	Endangered Adult—Offenses other than Battery.
Instruction No. 14.1480.	Endangered Adult—Battery.
Instruction No. 14.1500.	Enterprise.
Instruction No. 14.1520.	Entrapment and Entrapped.
Instruction No. 14.1532.	Entrusted.
Instruction No. 14.1540.	Exert Control Over Property.
Instruction No. 14.1560.	Explosives.
Instruction No. 14.1600.	Family Housing Complex.
Instruction No. 14.1605.	Family or Household Member.
Instruction No. 14.1610.	Fear.
Instruction No. 14.1620.	Federal Enforcement Officer.

Volume 2 Table of Contents

Instruction No. 14.1640.	Federal Public Benefit.
Instruction No. 14.1660.	Felony Conviction.
Instruction No. 14.1670.	Female Genital Mutilation.
Instruction No. 14.1680.	Fetus.
Instruction No. 14.1700.	Financial Institution.
Instruction No. 14.1720.	Firearm.
Instruction No. 14.1760.	Fire Protective Clothing and Fire Protective Gear.
Instruction No. 14.1780.	Forcible Felony.
Instruction No. 14.1790.	Foster Family Home.
Instruction No. 14.1800.	Funds.
Instruction No. 14.1820.	Gain.
Instruction No. 14.1840.	Gambling.
Instruction No. 14.1860.	Gambling Device.
Instruction No. 14.1880.	Gambling Information.
Instruction No. 14.1900.	Governmental Entity.
Instruction No. 14.1920.	HIV.
Instruction No. 14.1940.	Handgun.
Instruction No. 14.1960.	Harbor.
Instruction No. 14.1980.	Harm.
Instruction No. 14.2000.	Harassment.
Instruction No. 14.2020.	Hazing.
Instruction No. 14.2040.	Hoax Device or Replica.
Instruction No. 14.2060.	Home Improvement.
Instruction No. 14.2080.	Home Improvement Contract.
Instruction No. 14.2100.	Home Improvement Contract Price.
Instruction No. 14.2120.	Home Improvement Supplier.
Instruction No. 14.2140.	Human Being.
Instruction No. 14.2150.	Human Reproductive Material.
Instruction No. 14.2160.	Impermissible Contact.
Instruction No. 14.2180.	Imprison.
Instruction No. 14.2200.	Incendiary.
Instruction No. 14.2220.	Identifying Information.
Instruction No. 14.2240.	Instant Messaging or Chat Room Program.
Instruction No. 14.2260.	Insurance Policy.
Instruction No. 14.2280.	Insurer.
Instruction No. 14.2290.	Intimate Image (effective for crimes committed July 1, 2019 or after).
Instruction No. 14.2300.	Intoxicated.
Instruction No. 14.2320.	Items of Drug Paraphernalia as Described in I.C. 35-48-4-8.5.
Instruction No. 14.2340.	Juvenile Facility.
Instruction No. 14.2345.	Juvenile Prostitution.
Instruction No. 14.2347.	Juvenile Prostitution Victim.

Volume 2 Table of Contents

Instruction No. 14.2360.	Key Facility.
Instruction No. 14.2380.	Knife.
Instruction No. 14.2400.	Labeling.
Instruction No. 14.2420.	Law Enforcement Animal.
Instruction No. 14.2440.	Law Enforcement Officer.
Instruction No. 14.2460.	Lawful Detention.
Instruction No. 14.2470.	Legend Drug.
Instruction No. 14.2480.	Machine Gun.
Instruction No. 14.2500.	Make.
Instruction No. 14.2520.	Manufacture.
Instruction No. 14.2530.	Manufacture of an Unlawful Telecommunications Device.
Instruction No. 14.2540.	Marijuana.
Instruction No. 14.2560.	Matter.
Instruction No. 14.2580.	Mental Health Professional.
Instruction No. 14.2582.	Metering Device.
Instruction No. 14.2600.	Military Recruiter.
Instruction No. 14.2620.	Minor.
Instruction No. 14.2640.	Model Glue.
Instruction No. 14.2650.	Moderate Bodily Injury.
Instruction No. 14.2660.	Motor Vehicle.
Instruction No. 14.2680.	Mutilate.
Instruction No. 14.2700.	Narcotic Drug.
Instruction No. 14.2720.	Neglect.
Instruction No. 14.2740.	"Offender Under I.C. 35-42-4-11" (Offender Against Children).
Instruction No. 14.2760.	Offense.
Instruction No. 14.2780.	Officer.
Instruction No. 14.2800.	Official Proceeding.
Instruction No. 14.2815.	Other Sexual Conduct.
Instruction No. 14.2820.	Overpass.
Instruction No. 14.2840.	Overpressure Device.
Instruction No. 14.2860.	Owned and Controlled.
Instruction No. 14.2880.	Party.
Instruction No. 14.2900.	Pattern of Racketeering Activity.
Instruction No. 14.2920.	Pecuniary.
Instruction No. 14.2923.	Pecuniary Loss.
Instruction No. 14.2940.	Peep.
Instruction No. 14.2960.	Penal Facility.
Instruction No. 14.2980.	Performance.
Instruction No. 14.3000.	Person.
Instruction No. 14.3020.	Person—Insurance Funds.
Instruction No. 14.3040.	Person—Home Improvement Frauds.

Volume 2 Table of Contents

Instruction No. 14.3042.	Pharmacist.
Instruction No. 14.3043.	Pharmacy.
Instruction No. 14.3050.	Police Officer.
Instruction No. 14.3055.	Person in a Position of Trust.
Instruction No. 14.3060.	Possession.
Instruction No. 14.3080.	Practitioner.
Instruction No. 14.3081.	Practitioner—Legend Drug Act. I.C. 16-42-19-5.
Instruction No. 14.3100.	Prescription Drug.
Instruction No. 14.3120.	Previous Conviction of Operating While Intoxicated.
Instruction No. 14.3140.	Principal.
Instruction No. 14.3160.	Private Area.
Instruction No. 14.3180.	Production.
Instruction No. 14.3200.	Professional Relationship.
Instruction No. 14.3220.	Profit.
Instruction No. 14.3240.	Property.
Instruction No. 14.3260.	Proximate Cause.
Instruction No. 14.3270.	Public Agency.
Instruction No. 14.3280.	Public Park.
Instruction No. 14.3300.	Public Relief or Assistance.
Instruction No. 14.3310.	Public Safety Official.
Instruction No. 14.3320.	Public Servant.
Instruction No. 14.3340.	Public Servant.
Instruction No. 14.3360.	Publish.
Instruction No. 14.3380.	Racial Minority Group.
Instruction No. 14.3400.	Racketeering Activity.
Instruction No. 14.3420.	Rate.
Instruction No. 14.3430.	Real Property in Foreclosure.
Instruction No. 14.3440.	Receiving.
Instruction No. 14.3442.	Recording.
Instruction No. 14.3460.	Regulated Explosive.
Instruction No. 14.3470.	Relative.
Instruction No. 14.3480.	Residential Real Property Transaction.
Instruction No. 14.3500.	Salvia.
Instruction No. 14.3520.	Sawed-Off Shotgun.
Instruction No. 14.3540.	School Bus.
Instruction No. 14.3560.	School Property.
Instruction No. 14.3580.	Scientific Research Facility.
Instruction No. 14.3600.	Search and Rescue Dog.
Instruction No. 14.3610.	Self-Dealing.
Instruction No. 14.3620.	Serious Bodily Injury.
Instruction No. 14.3625.	Offender Who May Not Enter School Property.

Volume 2 Table of Contents

Instruction No. 14.3640.	Service Provider.
Instruction No. 14.3660.	Sexual Conduct.
Instruction No. 14.3680.	Sexual Intercourse.
Instruction No. 14.3700.	“Offender Under 35-38-1-7.5” [Sexually Violent Predator] Based on Single Offense.
Instruction No. 14.3720.	“Offender Under 35-38-1-7.5” [Sexually Violent Predator] Based on Offense With a Prior Unrelated Conviction.
Instruction No. 14.3740.	“Offender Under I.C. 35-38-1-7.5” [Sexually Violent Predator] Based on Offense With a Previous Unrelated Adjudication and a Determination Likely to Offend Again.
Instruction No. 14.3760.	“Offender Under I.C. 35-38-1-7.5” [Sexually Violent Predator] Based on an Offense With a Previous Unrelated Adjudication and a Duty to Register.
Instruction No. 14.3780.	“Offender Under I.C. 35-38-1-7.5” [Sexually Violent Predator] Based on an Evidentiary Hearing.
Instruction No. 14.3800.	Service Animal.
Instruction No. 14.3820.	Shotgun.
Instruction No. 14.3822.	Slug.
Instruction No. 14.3840.	Social Networking Web Site.
Instruction No. 14.3860.	Solicit.
Instruction No. 14.3880.	Special Purpose Bus.
Instruction No. 14.3900.	State or Federally Chartered or Federally Insured Financial Institution.
Instruction No. 14.3920.	State or Local Public Benefit.
Instruction No. 14.3940.	Stepparent.
Instruction No. 14.3960.	Sudden Heat.
Instruction No. 14.3980.	Support.
Instruction No. 14.4000.	Synthetic Identifying Information.
Instruction No. 14.4020.	Synthetic Drug Lookalike Substance.
Instruction No. 14.4040.	Telecommunications Device.
Instruction No. 14.4060.	Telecommunications Services.
Instruction No. 14.4080.	Telecommunications Service Provider.
Instruction No. 14.4100.	Terrorism.
Instruction No. 14.4100(a).	Terrorism (effective for crimes committed July 1, 2019 or after).
Instruction No. 14.4120.	Threat.
Instruction No. 14.4140.	Threatens.
Instruction No. 14.4150.	Terrorist Organization (effective for crimes committed July 1, 2019 or after).
Instruction No. 14.4155.	Felony Terrorist Offense (effective for crimes committed July 1, 2019 or after).
Instruction No. 14.4160.	Timber.
Instruction No. 14.4180.	Title Insurance Agent.
Instruction No. 14.4200.	Title Insurance Escrow Account.

Volume 2 Table of Contents

Instruction No. 14.4220.	Title Insurer.
Instruction No. 14.4230.	Torso.
Instruction No. 14.4240.	Torture.
Instruction No. 14.4260.	Tumultuous Conduct.
Instruction No. 14.4280.	Ultimate User.
Instruction No. 14.4300.	Unauthorized Control Over Property.
Instruction No. 14.4320.	Unconscionable Home Improvement Contract.
Instruction No. 14.4340.	Unlawful Assembly.
Instruction No. 14.4360.	Unlawful telecommunications device.
Instruction No. 14.4365.	Unmanned Aerial Vehicle.
Instruction No. 14.4370.	Utility.
Instruction No. 14.4380.	Utter.
Instruction No. 14.4395.	Vacant Real Property.
Instruction No. 14.4397.	Vacant Structure.
Instruction No. 14.4400.	Valuable Metal.
Instruction No. 14.4420.	Vending Machine.
Instruction No. 14.4440.	Vehicle.
Instruction No. 14.4460.	Victim.
Instruction No. 14.4480.	Weapon of Mass Destruction.
Instruction No. 14.4500.	Women-Owned Business Enterprise.
Instruction No. 14.4520.	Written Instrument.
Instruction No. 14.4540.	Youth Program Center.

CHAPTER 15 BIFURCATED TRIALS

Instruction No. 15.0020.	PRELIMINARY INSTRUCTION No. 1: Life Imprisonment Without Parole/Death Penalty.
Instruction No. 15.0060.	PRELIMINARY INSTRUCTION No. 2: Life Imprisonment Without Parole/Death Penalty.
Instruction No. 15.0100.	PRELIMINARY INSTRUCTION No. 3: Life Imprisonment Without Parole/Death Penalty.
Instruction No. 15.0140.	PRELIMINARY INSTRUCTION No. 4: Life Imprisonment Without Parole/Death Penalty.
Instruction No. 15.0180.	PRELIMINARY INSTRUCTION No. 5: Life Imprisonment Without Parole/Death Penalty.
Instruction No. 15.0200.	PRELIMINARY INSTRUCTION No. 6: Life Imprisonment Without Parole/Death Penalty.
Instruction No. 15.0240.	PRELIMINARY INSTRUCTION NO. 7: Life Imprisonment Without Parole/Death Penalty.
Instruction No. 15.0280.	PRELIMINARY INSTRUCTION No. 8: Life Imprisonment Without Parole/Death Penalty.
Instruction No. 15.0320.	PRELIMINARY INSTRUCTION No. 9: Life Imprisonment Without Parole/Death Penalty.

Volume 2 Table of Contents

Instruction No. 15.0360.	FINAL INSTRUCTION No. 1: Life Imprisonment Without Parole/Death Penalty.
Instruction No. 15.0400.	FINAL INSTRUCTION No. 2: Life Imprisonment without Parole/Death Penalty.
Instruction No. 15.0440.	FINAL INSTRUCTION No. 3: Life Imprisonment Without Parole/Death Penalty.
Instruction No. 15.0480.	FINAL INSTRUCTION No. 4: Life Imprisonment Without Parole/Death Penalty.
Instruction No. 15.0520.	FINAL INSTRUCTION No. 5: Life Imprisonment Without Parole/Death Penalty.
Instruction No. 15.0560.	FINAL INSTRUCTION No. 6: Life Imprisonment Without Parole/Death Penalty.
Instruction No. 15.0600.	FINAL INSTRUCTION No. 7: Life Imprisonment Without Parole/Death Penalty.
Instruction No. 15.0640.	FINAL INSTRUCTION No. 8: Life Imprisonment Without Parole/Death Penalty.
Instruction No. 15.0680.	FINAL INSTRUCTION No. 9: Life Imprisonment Without Parole/Death Penalty.
Instruction No. 15.0720.	FINAL INSTRUCTION No. 10: Life Imprisonment Without Parole/Death Penalty.
Instruction No. 15.0760.	FINAL INSTRUCTION No. 11: Life Imprisonment Without Parole/Death Penalty.
Instruction No. 15.0800.	FINAL INSTRUCTION No. 12: Life Imprisonment Without Parole/Death Penalty.
Instruction No. 15.0840.	FINAL INSTRUCTION No. 13: Life Imprisonment Without Parole/Death Penalty.
Instruction No. 15.0880.	FINAL INSTRUCTION No. 15: Life Imprisonment Without Parole/Death Penalty.
Instruction No. 15.0920.	FINAL INSTRUCTION No. 16: Life Imprisonment Without Parole/Death Penalty.
Instruction No. 15.1000.	Recidivist Preliminary and Final.
Instruction No. 15.1200.	Habitual Offender—Definition—Phase II.
Instruction No. 15.1240.	Habitual Offender—Elements—Phase II—Level 1, 2, 3, or 4 Felony Principal Charge.
Instruction No. 15.1260.	Habitual Offender—Elements—Phase II—Level 5 Felony Principal Charge Committed Prior to July 1, 2017.
Instruction No. 15.1265.	Habitual Offender—Elements—Phase II—Level 5 Felony Principal Charge—Offenses committed on or after July 1, 2017.
Instruction No. 15.1280.	Habitual Offender—Elements—Phase II—Any Level Felony Charge, Felony Committed between July 1, 2014 and July 1, 2017, with Three Prior Unrelated Felony Convictions.
Instruction No. 15.1285.	Habitual Offender—Elements—Phase II—Any Level Felony Charge with Three Prior Unrelated Felony Convictions—Offenses Committed on or after July 1, 2017.
Instruction No. 15.1290.	Habitual Vehicular Substance Offender—Elements—Phase II.

Volume 2 Table of Contents

- Instruction No. 15.1400. Incorporation of Evidence.
- Instruction No. 15.1600. Habitual Offender—Pardon or Reversal.
- Instruction No. 15.1800. Repeat Sex Offender.
- Instruction No. 15.1850. Sex Offender Unmanned Aerial Vehicle Offense.
- Instruction No. 15.1900. Criminal Organization Enhancement.
- Instruction No. 15.1940. Criminal Organization Enhancement.
- Instruction No. 15.2000. Termination of Human Pregnancy.
- Instruction No. 15.2200. Battery of Person—Second Offense—Elements Phase II.
- Instruction No. 15.2240. Domestic Battery—Level 6 Felony Prior Battery Conviction.
- Instruction No. 15.2240(a). Domestic Battery—Level 6 Felony Prior Battery Conviction (effective for crimes committed July 1, 2019 or after).
- Instruction No. 15.2245. Domestic Battery—Level 5 Felony, Prior Battery Conviction Same Victim.
- Instruction No. 15.2400. Intimidation—Second Offense—Phase II.
- Instruction No. 15.2500. Unlawful Employment Near Children.
- Instruction No. 15.2600. Child Solicitation—Victim Under Fourteen.
- Instruction No. 15.2640. Child Solicitation—Victim Fourteen to Fifteen.
- Instruction No. 15.2800. Sex Offender Internet Offense—Second Offense.
- Instruction No. 15.2900. Inappropriate Communication With a Child—Phase II.
- Instruction No. 15.3000. Criminal Trespass—Phase II.
- Instruction No. 15.3200. Dealing in Altered Property.
- Instruction No. 15.3300. Fraud—Phase II.
- Instruction No. 15.3400. Home Improvement Fraud—Phase II—Class B Misdemeanor Raised to Class A Misdemeanor.
- Instruction No. 15.3600. Insurance Fraud.
- Instruction No. 15.3700. Resisting Law Enforcement.
- Instruction No. 15.3800. Theft.
- Instruction No. 15.3900. Auto Theft and Receiving Stolen Auto Parts—Elements—Phase II.
- Instruction No. 15.4000. Non-support of a Dependent Child.
- Instruction No. 15.4100. Invasion of Privacy.
- Instruction No. 15.4180. Stalking—Level 4 Felony—Phase II.
- Instruction No. 15.4200. Voyeurism.
- Instruction No. 15.4240. Public Voyeurism.
- Instruction No. 15.4250. Remote Aerial Voyeurism.
- Instruction No. 15.4300. Public Indecency.
- Instruction No. 15.4340. Public Nudity.
- Instruction No. 15.4500. Prostitution—Making an Unlawful Proposition—Phase II.
- Instruction No. 15.4600. Failure of Offender to Register. Registration Misstatement or Omission. Failure to Register in Person. Failure to Reside at Registered Location.
- Instruction No. 15.4640. Failure of an Offender to Possess Identification.
- Instruction No. 15.4680. Lifetime Parole Violation—Contact with Child or Victim.

Volume 2 Table of Contents

- Instruction No. 15.4800. Professional Gambling.
- Instruction No. 15.4840. Maintaining a Professional Gambling Site.
- Instruction No. 15.4880. Promoting Professional Gambling.
- Instruction No. 15.4900. Exploitation of Dependent or Endangered Adult—Second Offense (for offenses committed July 1, 2020 or later).
- Instruction No. 15.5000. Dealing in Cocaine or a Narcotic Drug.
- Instruction No. 15.5040. Dealing in Methamphetamine.
- Instruction No. 15.5045. Manufacturing Methamphetamine.
- Instruction No. 15.5080. Dealing in Schedule I, II, or III Controlled Substance.
- Instruction No. 15.5120. Dealing in a Schedule IV Controlled Substance.
- Instruction No. 15.5160. Dealing in a Schedule V Controlled Substance.
- Instruction No. 51.5170. Use or Possession of Firearm in Dealing Controlled Substance Offense.
- Instruction No. 51.5180. Use of Firearm in Offense Against the Person Resulting in Death or Serious Bodily Injury, or in Kidnapping, or in Level 2 or 3 Criminal Confinement.
- Instruction No. 51.5185. Pointing or Discharging Firearm at Police Officer When Committing an Offense.
- Instruction No. 15.5200. Possession of Cocaine or a Narcotic Drug.
- Instruction No. 15.5240. Possession of Methamphetamine.
- Instruction No. 15.5280. Possession of Controlled Substance.
- Instruction No. 15.5400. Manufacture of Paraphernalia—Phase II.
- Instruction No. 15.5440. Dealing in Paraphernalia—Phase II.
- Instruction No. 15.5480. Possession of Paraphernalia—Phase II.
- Instruction No. 15.5600. Dealing in Marijuana, Hash Oil, Hashish, or Salvia—Phase II.
- Instruction No. 15.5640. Dealing in a Synthetic Drug or Synthetic Drug Lookalike Substance—Prior Same Offense.
- Instruction No. 15.5680. Dealing in a Synthetic Drug or Synthetic Drug Lookalike Substance—Prior Involving.
- Instruction No. 15.5720. Possession of Marijuana, Hash Oil, Hashish, or Salvia.
- Instruction No. 15.5760. Possession of a Synthetic Drug or Synthetic Drug Lookalike Substance—Prior Same Offense or Dealing.
- Instruction No. 15.5800. Taking Child or Endangered Adult to Nuisance.
- Instruction No. 15.5900. Acquiring Possession of a Controlled Substance by Misrepresentation—Phase II.
- Instruction No. 15.5940. False Labeling of a Controlled Substance—Phase II.
- Instruction No. 15.5980. Unlawful Duplication of Prescription Pads—Phase II.
- Instruction No. 15.6100. Operating With Eight-hundredths Gram of Alcohol, Fifteen-hundredths Gram of Alcohol, Operating With Controlled Substance, or Operating While Intoxicated, Level 6 Felony—Previous Conviction of Operating While Intoxicated—Phase II.
- Instruction No. 15.6300. Operating With Eight-hundredths Gram of Alcohol, Fifteen-hundredths Gram of Alcohol, Operating With Controlled Substance,

Volume 2 Table of Contents

or Operating While Intoxicated, Level 5 Felony for Causing Serious Bodily Injury With Previous Conviction.

- Instruction No. 15.6300(a). Operating With Eight-hundredths Gram of Alcohol, Fifteen-hundredths Gram of Alcohol, Operating With Controlled Substance, or Operating While Intoxicated, Level 4 Felony for Causing Serious Bodily Injury With Previous Conviction (effective for crimes committed July 1, 2019 or after).
- Instruction No. 15.6350. Operating With Eight-hundredths Gram of Alcohol, Fifteen-hundredths Gram of Alcohol, Operating With Controlled Substance, or Operating While Intoxicated, Level 4 Felony for Causing Death With Prior Conviction.
- Instruction No. 15.6500. Operating with Eight-hundredths Gram of Alcohol, Fifteen-hundredths Gram of Alcohol, Operating with Controlled Substance, or Operating While Intoxicated, Level 4 Felony for Death While Suspended for Prior Conviction.
- Instruction No. 15.6550. Operating with Eight-hundredths Gram of Alcohol, Fifteen-hundredths Gram of Alcohol, Operating with Controlled Substance, or Operating While Intoxicated, Level 4 Felony for Causing Death While Suspended as a Habitual Violator.
- Instruction No. 15.6700. Prior Conviction Resulting in Death: [Operating a Vehicle With Eight-hundredths (0.08) Gram of Alcohol]; [Operating a Vehicle With Fifteen-hundredths (0.15) Gram of Alcohol]; [Operating a Vehicle With Controlled Substance or Metabolite]; [Operating a Vehicle While Intoxicated]. I.C. 9-30-5-3(b).
- Instruction No. 15.6800. Failure to Act as Required After Accident Involving Injury and Leaving the Scene of an Accident.
- Instruction No. 15.6900. Operating a Motorboat While Intoxicated—Phase II.
- Instruction No. 15.7000. Possession of a Firearm in Violation of I.C. 35-47-4-9—Phase II.
- Instruction No. 15.7100. Dangerous Possession of a Firearm—Phase II.
- Instruction No. 15.7200. Dangerous Control of a Firearm—Phase II.
- Instruction No. 15.7300. Dangerous Control of a Child—Phase II.
- Instruction No. 15.7400. Carrying Handgun Without a License—Level 5 Felony—Phase II.
- Instruction No. 15.7500. Possession of Regulated Explosive.
- Instruction No. 15.7600. Use of Overpressure Device.
- Instruction No. 15.7700. Possession of a Knife at School.
- Instruction No. 15.8100. Failure to Restrain a Dog—B Misdemeanor I.C. 15-5-12-3. Phase II.
- Instruction No. 15.8200. Failure to Restrain a Dog—Class A Misdemeanor—Phase II.
- Instruction No. 15.8300. Beating a Vertebrate Animal—Phase II.
- Instruction No. 15.8400. Neglect or Abandonment of an Animal—Phase II.
Attendance at Fighting Contest—Phase II.
- Instruction No. 15.8700. Possession of Animal Fighting Paraphernalia.
- Instruction No. 15.8740. Attending Animal Fighting Contest.
- Instruction No. 15.8800. Public Safety Remote Aerial Interference.
- Instruction No. 15.8840. Remote Aerial Harassment.

Volume 2 Table of Contents

Instruction No. 15.8900. Felony Terrorist Offense (effective for crimes committed July 1, 2019 or after).

CHAPTER 16 VERDICTS

Instruction No. 16.0100. Guilty.

Instruction No. 16.0300. Guilty—Mentally Ill.

Instruction No. 16.0500. Not Guilty.

Instruction No. 16.0700. Not Guilty—Insanity.

Instruction No. 16.0900. Habitual Offender—General Verdict.

Instruction No. 16.1100. Habitual Offender—Specific Findings and Verdict When Extra Priors Are Alleged.

Instruction No. 16.1200. Repeat Sex Offender—Separate Finding and Verdict When More Than One Prior Is Alleged.

Instruction No. 16.1300. Not an Habitual Offender.

Instruction No. 16.1400. Habitual Vehicular Offender—General Verdict.

Instruction No. 16.1420. Habitual Vehicular Offender—Specific Findings and Verdict When Extra Priors Are Alleged.

Instruction No. 16.1500. Verdict Form—Aggravating Circumstance Found.

Instruction No. 16.1600. Verdict Form—Aggravating Circumstance Not Found.

Instruction No. 16.1700. Verdict Form—Aggravating Circumstances and Mitigating Circumstances Balance.

Instruction No. 16.1800. Verdict Form—Recommending a Sentence.

TABLE OF CASES

TABLE OF STATUTES

INDEX

CHAPTER 14

DEFINITIONS (effective for crimes committed July 1, 2014 or after, unless otherwise noted)

SYNOPSIS

Instruction No. 14.0020.	Abandon.
Instruction No. 14.0025.	Abandoned Structure.
Instruction No. 14.0040.	Access.
Instruction No. 14.0060.	Administer.
Instruction No. 14.0080.	Adoptive Grandparent.
Instruction No. 14.0100.	Adoptive Parent.
Instruction No. 14.0120.	Adult.
Instruction No. 14.0125.	Advertisement.
Instruction No. 14.0140.	Agency.
Instruction No. 14.0142.	Aggressive Driving (effective for crimes committed July 1, 2019 or after).
Instruction No. 14.0145.	Agricultural Operation.
Instruction No. 14.0160.	Alcohol Abuser.
Instruction No. 14.0180.	Alcoholic Beverage.
Instruction No. 14.0200.	Alien.
Instruction No. 14.0220.	Ammonia Solution.
Instruction No. 14.0240.	Animal Fighting Contest.
Instruction No. 14.0260.	Animal Fighting Paraphernalia.
Instruction No. 14.0270.	Armor-piercing Ammunition.
Instruction No. 14.0280.	Assault Weapon.
Instruction No. 14.0300.	Battery.
Instruction No. 14.0400.	Beat.
Instruction No. 14.0420.	Bodily Injury.
Instruction No. 14.0440.	Booby Trap.
Instruction No. 14.0450.	Breaking.
Instruction No. 14.0460.	Business Relationship with an Agency.

- Instruction No. 14.0480. Camera.
- Instruction No. 14.0500. Card Skimming Device.
- Instruction No. 14.0510. Catastrophic Injury (effective for crimes committed July 1, 2019 or after).
- Instruction No. 14.0520. Cause of Death.
- Instruction No. 14.0540. Child (for Children and Firearms Offenses).
- Instruction No. 14.0542. Child (for Battery Offenses).
- Instruction No. 14.0560. Child Care Worker.
- Instruction No. 14.0580. Claim Statement.
- Instruction No. 14.0600. Cocaine.
- Instruction No. 14.0620. Coin Machine.
- Instruction No. 14.0640. Communicates.
- Instruction No. 14.0660. Component Part.
- Instruction No. 14.0680. Computer Network and Computer System (for Purposes of I.C. 35-43-2-3).
- Instruction No. 14.0700. Computer Program.
- Instruction No. 14.0720. Confine.
- Instruction No. 14.0740. Consumer.
- Instruction No. 14.0760. Consumer Product (for Purposes of I.C. 35-45-8).
- Instruction No. 14.0780. Controlled Substance.
- Instruction No. 14.0781. Controlled Substance Analog (effective for crimes committed July 1, 2019 or after).
- Instruction No. 14.0800. Correctional Professional.
- Instruction No. 14.0820. Corrections Officer.
- Instruction No. 14.0860. Counterfeit Substance.
- Instruction No. 14.0880. Credit Card.
- Instruction No. 14.0900. Credit Card Holder.
- Instruction No. 14.0920. Credit Institution.
- Instruction No. 14.0940. Crime.
- Instruction No. 14.0945. Crime of Domestic Violence.
- Instruction No. 14.0960. Criminal Organization.
- Instruction No. 14.0980. Curtilage.
- Instruction No. 14.0990. Custodian.
- Instruction No. 14.0992. Customer.
- Instruction No. 14.0995. Damages, Permanently Removes an Object From, or Defaces Real Property.
- Instruction No. 14.1000. Data.
- Instruction No. 14.1020. Deadly Force.
- Instruction No. 14.1040. Deadly Weapon.
- Instruction No. 14.1060. Delivery.

Instruction No. 14.1080.	Denied Entry.
Instruction No. 14.1100.	Dependent.
Instruction No. 14.1120.	Destructive Device.
Instruction No. 14.1140.	Detonator.
Instruction No. 14.1160.	Disadvantaged Business Enterprise.
Instruction No. 14.1180.	Dispatched Firefighter.
Instruction No. 14.1200.	Dispense.
Instruction No. 14.1220.	Dispenser.
Instruction No. 14.1240.	Disseminate.
Instruction No. 14.1260.	Distribute.
Instruction No. 14.1280.	Distribute (Controlled Explosives Offenses).
Instruction No. 14.1290.	Distribute (Intimate Image) (effective for crimes committed July 1, 2019 or after).
Instruction No. 14.1300.	Distributor.
Instruction No. 14.1320.	Divest.
Instruction No. 14.1330.	DNA.
Instruction No. 14.1340.	Domestic Animal.
Instruction No. 14.1350.	Domestic Violence or Child Abuse Case.
Instruction No. 14.1360.	Drug.
Instruction No. 14.1380.	Drug Abuser.
Instruction No. 14.1382.	Drug or Alcohol Screening Test.
Instruction No. 14.1400.	Dwelling.
Instruction No. 14.1420.	Emergency Incident Area.
Instruction No. 14.1435.	Emergency Medical Services Person.
Instruction No. 14.1440.	Emergency Medical Services Provider.
Instruction No. 14.1460.	Endangered Adult—Offenses other than Battery.
Instruction No. 14.1480.	Endangered Adult—Battery.
Instruction No. 14.1500.	Enterprise.
Instruction No. 14.1520.	Entrapment and Entrapped.
Instruction No. 14.1532.	Entrusted.
Instruction No. 14.1540.	Exert Control Over Property.
Instruction No. 14.1560.	Explosives.
Instruction No. 14.1600.	Family Housing Complex.
Instruction No. 14.1605.	Family or Household Member.
Instruction No. 14.1610.	Fear.
Instruction No. 14.1620.	Federal Enforcement Officer.
Instruction No. 14.1640.	Federal Public Benefit.
Instruction No. 14.1660.	Felony Conviction.
Instruction No. 14.1670.	Female Genital Mutilation.

Instruction No. 14.1680.	Fetus.
Instruction No. 14.1700.	Financial Institution.
Instruction No. 14.1720.	Firearm.
Instruction No. 14.1760.	Fire Protective Clothing and Fire Protective Gear.
Instruction No. 14.1780.	Forcible Felony.
Instruction No. 14.1790.	Foster Family Home.
Instruction No. 14.1800.	Funds.
Instruction No. 14.1820.	Gain.
Instruction No. 14.1840.	Gambling.
Instruction No. 14.1860.	Gambling Device.
Instruction No. 14.1880.	Gambling Information.
Instruction No. 14.1900.	Governmental Entity.
Instruction No. 14.1920.	HIV.
Instruction No. 14.1940.	Handgun.
Instruction No. 14.1960.	Harbor.
Instruction No. 14.1980.	Harm.
Instruction No. 14.2000.	Harassment.
Instruction No. 14.2020.	Hazing.
Instruction No. 14.2040.	Hoax Device or Replica.
Instruction No. 14.2060.	Home Improvement.
Instruction No. 14.2080.	Home Improvement Contract.
Instruction No. 14.2100.	Home Improvement Contract Price.
Instruction No. 14.2120.	Home Improvement Supplier.
Instruction No. 14.2140.	Human Being.
Instruction No. 14.2150.	Human Reproductive Material.
Instruction No. 14.2160.	Impermissible Contact.
Instruction No. 14.2180.	Imprison.
Instruction No. 14.2200.	Incendiary.
Instruction No. 14.2220.	Identifying Information.
Instruction No. 14.2240.	Instant Messaging or Chat Room Program.
Instruction No. 14.2260.	Insurance Policy.
Instruction No. 14.2280.	Insurer.
Instruction No. 14.2290.	Intimate Image (effective for crimes committed July 1, 2019 or after).
Instruction No. 14.2300.	Intoxicated.
Instruction No. 14.2320.	Items of Drug Paraphernalia as Described in I.C. 35-48-4-8.5.
Instruction No. 14.2340.	Juvenile Facility.
Instruction No. 14.2345.	Juvenile Prostitution.
Instruction No. 14.2347.	Juvenile Prostitution Victim.
Instruction No. 14.2360.	Key Facility.

Instruction No. 14.2380.	Knife.
Instruction No. 14.2400.	Labeling.
Instruction No. 14.2420.	Law Enforcement Animal.
Instruction No. 14.2440.	Law Enforcement Officer.
Instruction No. 14.2460.	Lawful Detention.
Instruction No. 14.2470.	Legend Drug.
Instruction No. 14.2480.	Machine Gun.
Instruction No. 14.2500.	Make.
Instruction No. 14.2520.	Manufacture.
Instruction No. 14.2530.	Manufacture of an Unlawful Telecommunications Device.
Instruction No. 14.2540.	Marijuana.
Instruction No. 14.2560.	Matter.
Instruction No. 14.2580.	Mental Health Professional.
Instruction No. 14.2582.	Metering Device.
Instruction No. 14.2600.	Military Recruiter.
Instruction No. 14.2620.	Minor.
Instruction No. 14.2640.	Model Glue.
Instruction No. 14.2650.	Moderate Bodily Injury.
Instruction No. 14.2660.	Motor Vehicle.
Instruction No. 14.2680.	Mutilate.
Instruction No. 14.2700.	Narcotic Drug.
Instruction No. 14.2720.	Neglect.
Instruction No. 14.2740.	"Offender Under I.C. 35-42-4-11" (Offender Against Children).
Instruction No. 14.2760.	Offense.
Instruction No. 14.2780.	Officer.
Instruction No. 14.2800.	Official Proceeding.
Instruction No. 14.2815.	Other Sexual Conduct.
Instruction No. 14.2820.	Overpass.
Instruction No. 14.2840.	Overpressure Device.
Instruction No. 14.2860.	Owned and Controlled.
Instruction No. 14.2880.	Party.
Instruction No. 14.2900.	Pattern of Racketeering Activity.
Instruction No. 14.2920.	Pecuniary.
Instruction No. 14.2923.	Pecuniary Loss.
Instruction No. 14.2940.	Peep.
Instruction No. 14.2960.	Penal Facility.
Instruction No. 14.2980.	Performance.
Instruction No. 14.3000.	Person.
Instruction No. 14.3020.	Person—Insurance Funds.

Instruction No. 14.3040.	Person—Home Improvement Frauds.
Instruction No. 14.3042.	Pharmacist.
Instruction No. 14.3043.	Pharmacy.
Instruction No. 14.3050.	Police Officer.
Instruction No. 14.3055.	Person in a Position of Trust.
Instruction No. 14.3060.	Possession.
Instruction No. 14.3080.	Practitioner.
Instruction No. 14.3081.	Practitioner—Legend Drug Act. I.C. 16-42-19-5.
Instruction No. 14.3100.	Prescription Drug.
Instruction No. 14.3120.	Previous Conviction of Operating While Intoxicated.
Instruction No. 14.3140.	Principal.
Instruction No. 14.3160.	Private Area.
Instruction No. 14.3180.	Production.
Instruction No. 14.3200.	Professional Relationship.
Instruction No. 14.3220.	Profit.
Instruction No. 14.3240.	Property.
Instruction No. 14.3260.	Proximate Cause.
Instruction No. 14.3270.	Public Agency.
Instruction No. 14.3280.	Public Park.
Instruction No. 14.3300.	Public Relief or Assistance.
Instruction No. 14.3310.	Public Safety Official.
Instruction No. 14.3320.	Public Servant.
Instruction No. 14.3340.	Public Servant.
Instruction No. 14.3360.	Publish.
Instruction No. 14.3380.	Racial Minority Group.
Instruction No. 14.3400.	Racketeering Activity.
Instruction No. 14.3420.	Rate.
Instruction No. 14.3430.	Real Property in Foreclosure.
Instruction No. 14.3440.	Receiving.
Instruction No. 14.3442.	Recording.
Instruction No. 14.3460.	Regulated Explosive.
Instruction No. 14.3470.	Relative.
Instruction No. 14.3480.	Residential Real Property Transaction.
Instruction No. 14.3500.	Salvia.
Instruction No. 14.3520.	Sawed-Off Shotgun.
Instruction No. 14.3540.	School Bus.
Instruction No. 14.3560.	School Property.
Instruction No. 14.3580.	Scientific Research Facility.
Instruction No. 14.3600.	Search and Rescue Dog.

- Instruction No. 14.3610. Self-Dealing.
- Instruction No. 14.3620. Serious Bodily Injury.
- Instruction No. 14.3625. Offender Who May Not Enter School Property.
- Instruction No. 14.3640. Service Provider.
- Instruction No. 14.3660. Sexual Conduct.
- Instruction No. 14.3680. Sexual Intercourse.
- Instruction No. 14.3700. "Offender Under 35-38-1-7.5" [Sexually Violent Predator] Based on Single Offense.
- Instruction No. 14.3720. "Offender Under 35-38-1-7.5" [Sexually Violent Predator] Based on Offense With a Prior Unrelated Conviction.
- Instruction No. 14.3740. "Offender Under I.C. 35-38-1-7.5" [Sexually Violent Predator] Based on Offense With a Previous Unrelated Adjudication and a Determination Likely to Offend Again.
- Instruction No. 14.3760. "Offender Under I.C. 35-38-1-7.5" [Sexually Violent Predator] Based on an Offense With a Previous Unrelated Adjudication and a Duty to Register.
- Instruction No. 14.3780. "Offender Under I.C. 35-38-1-7.5" [Sexually Violent Predator] Based on an Evidentiary Hearing.
- Instruction No. 14.3800. Service Animal.
- Instruction No. 14.3820. Shotgun.
- Instruction No. 14.3822. Slug.
- Instruction No. 14.3840. Social Networking Web Site.
- Instruction No. 14.3860. Solicit.
- Instruction No. 14.3880. Special Purpose Bus.
- Instruction No. 14.3900. State or Federally Chartered or Federally Insured Financial Institution.
- Instruction No. 14.3920. State or Local Public Benefit.
- Instruction No. 14.3940. Stepparent.
- Instruction No. 14.3960. Sudden Heat.
- Instruction No. 14.3980. Support.
- Instruction No. 14.4000. Synthetic Identifying Information.
- Instruction No. 14.4020. Synthetic Drug Lookalike Substance.
- Instruction No. 14.4040. Telecommunications Device.
- Instruction No. 14.4060. Telecommunications Services.
- Instruction No. 14.4080. Telecommunications Service Provider.
- Instruction No. 14.4100. Terrorism.
- Instruction No. 14.4100(a). Terrorism (effective for crimes committed July 1, 2019 or after).
- Instruction No. 14.4120. Threat.
- Instruction No. 14.4140. Threatens.
- Instruction No. 14.4150. Terrorist Organization (effective for crimes committed July 1, 2019 or after).

Instruction No. 14.0560. Child Care Worker.**I.C. 35-31.5-2-40; I.C. 35-42-4-7.**

The term “child care worker” is defined by law as a person who:

- provides care or supervision of a child within the scope of the person’s employment in a public or private school or shelter facility;
- is employed by a:
 - school corporation;
 - charter school;
 - nonpublic school; or
 - special education cooperative

attended by a child who is the victim of a crime under this chapter [I.C. 35-42-4];

- is:
 - affiliated with a:
 - (i) school corporation;
 - (ii) charter school;
 - (iii) nonpublic school; or
 - (iv) special education cooperative;
 - attended by a child who is the victim of a crime under this chapter, regardless of how or whether the person is compensated;
 - in a position of trust in relation to a child who attends the school; or cooperative;
 - engaged in the provision of care or supervision to a child who attends the school; or cooperative; and
 - at least four (4) years older than the child who is the victim of a crime under this chapter.

The term does not include a student who attends the school or cooperative.

Instruction No. 14.0580. Claim Statement.**I.C. 35-43-5-1(b).**

The term "claim statement" is defined by law as meaning:

an insurance policy, a document, or a statement made in support of or in opposition to a claim for payment or other benefit under an insurance policy, or other evidence of expense, injury, or loss. The term includes statements made orally, in writing, or electronically, including the following:

- (1) An account.
- (2) A bill for services.
- (3) A bill of lading.
- (4) A claim.
- (5) A diagnosis.
- (6) An estimate of property damages.
- (7) A hospital record.
- (8) An invoice.
- (9) A notice.
- (10) A proof of loss.
- (11) A receipt for payment.
- (12) A physician's records.
- (13) A prescription.
- (14) A statement.
- (15) A test result.
- (16) X-rays.

Instruction No. 14.0600. Cocaine.**I.C. 35-31.5-2-44.8.**

The term "cocaine" includes coca leaves and any salt, compound, or derivative of coca leaves, and any salt, compound, isomer, derivative, or preparation which is chemically equivalent or identical to any of these substances. However, decocainized coca leaves or extraction of coca leaves that do not contain cocaine or ecgonine are not included.

Instruction No. 14.0620. Coin Machine.**I.C. 35-43-5-1(c).**

The term “coin machine” is defined by law as meaning:
a coin box, vending machine, or other mechanical or electronic device or receptacle designed:

- (1) to receive a coin, bill, or token made for that purpose; and
- (2) in return for the insertion or deposit of a coin, bill, or token automatically:
 - (A) to offer, provide, or assist in providing; or
 - (B) to permit the acquisition of; some property.

Instruction No. 14.0640. Communicates.**I.C. 35-31.5-2-47.5.**

“Communicates” includes posting a message electronically, including on a social networking web site.

Comments

This instruction is for use with Instruction No. 6.0200, Intimidation.

Instruction No. 14.0660. Component Part.**I.C. 9-13-2-34.**

The term "component part" is defined by law as meaning an engine, a transmission, a body-chassis, a doghouse (front assembly), a rear-end, a frame, or a catalytic converter of a vehicle.

(Text continued on page 14-37)

STATE OF NEW YORK

IN SENATE

January 11, 1912

REPORT OF THE

Instruction No. 14.0860. Counterfeit Substance.**I.C. 35-31.5-2-68.**

The term “counterfeit substance” means a controlled substance which, or the container or labeling of which, without authorization bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance.

Comments

The following terms are defined by law: “controlled substance” (I.C. 35-31.5-2-64; Instruction No. 14.0780); “dispenser” (I.C. 35-31.5-2-97; Instruction No. 14.1220); and “distributor” (I.C. 35-31.5-2-101; Instruction No. 14.1300).

Instruction No. 14.0880. Credit Card.**I.C. 35-43-5-1(d).**

“Credit card” means an instrument or device (whether known as a credit card or charge plate, or by any other name) issued by an issuer for use by, or on behalf of, the credit card holder in obtaining property.

Instruction No. 14.0900. Credit Card Holder.**I.C. 35-43-5-1(e).**

“Credit card holder” means the person to whom, or for whose benefit, the credit card is issued by an issuer.

Instruction No. 14.0920. Credit Institution.**I.C. 35-31.5-2-71.**

The term “credit institution” is defined by law as meaning a bank, insurance company, credit union, building and loan association, investment trust, industrial loan and investment company, or other organization held out to the public as a place of deposit of funds or a medium of savings or collective investment.

Instruction No. 14.0940. Crime.**I.C. 35-31.5-2-75.**

The term "crime" is defined by law as meaning a felony or a misdemeanor.

Instruction No. 14.0945. Crime of Domestic Violence.**I.C. 35-31.5-2-78.**

The term “crime of domestic violence” means an offense or the attempt to commit an offense that:

- (1) has as an element the:
 - (A) use of physical force; or
 - (B) threatened use of a deadly weapon; and
- (2) is committed against a:
 - (A) current or former spouse, parent, or guardian of the defendant;
 - (B) person with whom the defendant shared a child in common;
 - (C) person who was cohabiting with or had cohabited with the defendant as a spouse, parent, or guardian; or
 - (D) person who was or had been similarly situated to a spouse, parent, or guardian of the defendant.

Instruction No. 14.0960. Criminal Organization.**I.C. 35-31.5-2-74.**

The term “criminal organization” means a formal or informal group with at least three (3) members that specifically

[promotes]

[or]

[sponsors]

[or]

[assists in]

[or]

[participates in]

[or]

[has as one of its goals]

[or]

[requires as a condition of membership or continued membership]

the commission of a felony, or an act that would be a felony if committed by an adult, or the offense of battery.

Comments

This instruction is for use with Instruction No. 15.1940 on Criminal Organization Enhancement.

Instruction No. 14.0980. Curtilage.

The term “curtilage” means the land, not necessarily fenced or enclosed, adjoining the dwelling house including buildings used in the conduct of family affairs and domestic purposes. In determining whether an area or building is within the “curtilage” of a dwelling house, two (2) factors are of principle importance:

1. its proximity to the dwelling, and
2. its use in connection with the dwelling for the purpose of conducting family affairs and domestic purposes.

Comments

This definition is drawn from *Fox v. State*, 179 Ind. App. 267, 384 N.E.2d 1159 (Ind. Ct. App. 1979).

Instruction No. 14.0990. Custodian.**I.C. 35-31.5-2-80.**

As used in this section, “custodian” means any person who resides with a child and is responsible for the child’s welfare.

Comments

For use in child seduction prosecutions.

Instruction No. 14.0992. Customer.**I.C. 35-43-5-1(f).**

The term “customer” means a person who has receives or has contracted for a utility service.

--

--

Instruction No. 14.0995. Damages, Permanently Removes an Object From, or Defaces Real Property.

I.C. 35-43-4-9.

["Damages"] ["Permanently removes an object from"] ["Defaces"] real property" means to [damage] [permanently remove] [deface] one (1) or more of the following:

- (A) Fixtures (as defined in IC 26-1-2.1-309) of the real property.
- (B) A component or subsystem of the heating, ventilation, or air conditioning system of the real property.
- (C) Wiring of the real property.
- (D) Pipes, fittings, or another part of the plumbing system of the real property.
- (E) The structure, including the roof and foundation, of the real property.
- (F) The windows of the real property.
- (G) The floors, ceilings, walls, or doors of the real property.
- (H) The landscaping of the real property.
- (I) An unattached structure, carport, patio, fence, or swimming pool located on the real property.

Comments

For use with Foreclosure Mischief Offense, Instruction No. 4.0470.

(Text continued on page 14-55)

Instruction No. 14.1360. Drug.**I.C. 35-3.15-2-104, I.C. 35-48-1-16, I.C.16-42-19-2.**

The term "drug", means:

- (1) articles or substances recognized in United States Pharmacopeial Convention, Inc., The United States Pharmacopoeia, Twenty-second Edition (1990), or United States Pharmacopeial Convention, Inc., The National Formulary, Seventeenth Edition (1990), as revised by United States Pharmacopeial Convention, Inc., Supplement 1 to The United States Pharmacopoeia, Twenty-second Edition, and the National Formulary, Seventeenth Edition (1990);
- (2) articles or substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in human beings or other animals;
- (3) articles other than food intended to affect the structure or any function of the body of human beings or other animals;
- (4) articles intended for use as a component of any article specified above in (1), (2), or (3); and
- (5) devices.

The term also includes a controlled substance (as defined by I.C. 35-48-1-9) and a controlled substance analog (as defined by I.C. 35-31.5-2-65, I.C. 35-48-1-9.3).

Instruction No. 14.1380. Drug Abuser.**I.C. 35-31.5-2-105.**

The term “drug abuser” means an individual who has had two (2) or more violations of I.C. 35-48-1, I.C. 35-48-2, I.C. 35-48-3 or I.C. 35-48-4, any one of which resulted in conviction by a court or treatment in a drug abuse facility within five (5) years prior to the date of application.

Comments

For use only with Chapter 7—Firearms Offense Instructions.

Instruction No. 14.1382. Drug or Alcohol Screening Test.**I.C. 35-43-5-1(g).**

The term “drug or alcohol screening test” means a test that:

- (1) Is used to determine the presence or use of alcohol, a controlled substance, or a drug in a person’s bodily substance; and
- (2) is:
 - a. administered in the course of monitoring a person who is:
 - i. incarcerated in a prison or jail;
 - ii. placed in a community corrections program;
 - iii. on probation or parole;
 - iv. participating in a court ordered alcohol or drug treatment program;
or
 - v. on court ordered pretrial release; or
ordered by a court as part of a civil action an individual who has had two (2) or more violations of I.C. 35-48-1, I.C. 35-48-2, I.C. 35-48-3 or I.C. 35-48-4, any one of which resulted in conviction by a court or treatment in a drug abuse facility within five (5) years prior to the date of application.

Instruction No. 14.1400. Dwelling.**I.C. 35-31.5-2-107.**

The term “dwelling” is defined by law as meaning a building, structure, or other enclosed space, permanent or temporary, movable or fixed, that is a person’s home or place of lodging.

Instruction No. 14.1420. Emergency Incident Area.**I.C. 35-31.5-2-114.**

“Emergency incident area” means the area surrounding a structure, vehicle, property, or area that is:

- (1) defined by police or firefighters with flags, barricades, barrier tape, or other markers; or
 - (2) one hundred and fifty (150) feet in all directions from the perimeter of the emergency incident;
- whichever is greater.

Instruction No. 14.1435. Emergency Medical Services Person.**I.C. 35-4.1-4-9.**

The term “emergency medical person” means a person who holds a certificate issued by the Indiana emergency medical services commission to provide emergency medical services.

Instruction No. 14.1440. Emergency Medical Services Provider.**I.C. 16-41-10-1; I.C. 35-46-1-4(c)(1);****I.C. 31-34-2.5-1; I.C. 31-9-2-43.5.**

The term “emergency medical services provider” is defined by law as a _____ [firefighter] [law enforcement officer] _____ [paramedic] [emergency medical technician] [other person who provides emergency medical services in the course of the person’s employment].

Instruction No. 14.1460. Endangered Adult—Offenses other than Battery.**I.C. 12-10-3-2. (For Battery use Instruction 14.1480).**

“Endangered adult” means an individual who is

- at least eighteen (18) years of age
- and incapable by reason of mental illness, mental retardation, dementia, habitual drunkenness, excessive use of drugs, or other physical or mental incapacity of managing or directing the management of [his] [her] property or providing or directing the provision of self-care;
- and is harmed or threatened with harm as a result of neglect, battery, or exploitation of [his] [her] services or property.

Instruction No. 14.1480. Endangered Adult—Battery.**I.C. 12-10-3-2.**

“Endangered adult” means an individual who is

- at least eighteen (18) years of age
- and
- incapable by reason of mental illness, intellectual disability, dementia, or other physical or mental incapacity of
 - [managing or directing the management of (his) (her) property]
 - or
 - [providing or directing the provision of self-care,]
- and
- harmed or threatened with harm as a result of [neglect] [battery].

Comments

This instruction is for use only with the offenses of battery, I.C. 35-42-2, or failure to report battery, I.C. 35-46-1-13.

Instruction No. 14.1500. Enterprise:**I.C. 35-31.5-2-118.**

The term "enterprise" is defined by law as meaning a sole proprietorship, corporation, partnership, business trust, or governmental entity; or a union, association, or group, whether a legal entity or merely associated in fact.

Instruction No. 14.1520. Entrapment and Entrapped.**I.C. 9-13-2-49.7.**

The term “entrapment” is defined by law as a confining circumstance from which escape or relief is difficult or impossible. A person is “entrapped” if he or she is in a confining circumstance from which escape or relief is difficult or impossible.

Comments

For use with failure to act as required after accident involving bodily injury, Instruction No. 7.3700.

Instruction No. 14.1532. Entrusted.**I.C. 35-43-5-1(h).**

The term “entrusted” means held in a fiduciary capacity or placed in charge of a person engaged in the business of storing, lending on, or otherwise holding property of others.



Instruction No. 14.1540. Exert Control Over Property.**I.C. 35-31.5-2-124.**

The term “exert control over property” is defined by law as meaning to obtain, take, carry, drive, lead away, conceal, abandon, sell, convey, encumber, or possess property, or to secure, transfer, or extend a right to property.

Instruction No. 14.1560. Explosives.**I.C. 35-31.5-2-125.**

“Explosives” means a chemical compound or other substance or mechanical system intended to produce an explosion capable of causing injury to persons or damage to property or containing oxidizing and combustible units or other ingredients in such proportions or quantities that ignition, fire, friction, concussion, percussion, or detonation may produce an explosion capable of causing injury to persons or damage to property, including the substances designated in IC 35-47.5-3.

Comments

This definition applies only to I.C. 35-47.5 controlled explosives offenses.

I.C. 35-47.5-2-7 contains a list of items which the definition above of “explosives” does not include.” The Committee believes that items on this list constitute “exceptions” or “exemptions” which the Defendant has the burden to prove. *See Harris v. State*, 716 N.E.2d 406 (Ind. 1999); *Armstrong v. State*, 742 N.E.2d 972 (Ind. Ct. App. 2001). The statutory list of exceptions is:

(1) A model rocket and model rocket engine designed, sold, and used to propel recoverable aero models.

(2) A paper cap in which the explosive content does not average more than twenty-five hundredths (0.25) grains of explosive mixture per paper cap for toy pistols, toy cannons, toy canes, toy guns, or other devices using paper caps unless the paper cap is used as a component of a destructive device.

Instruction No. 14.1600. Family Housing Complex.**I.C. 35-31.5-2-127.**

The term "family housing complex" means a building or series of buildings:
[that contains at least twelve (12) dwelling units
where children are domiciled or are likely to be domiciled; and
that are owned by a governmental unit or political subdivision]
[that is operated as a hotel or motel (*as described in I.C. 22-11-18-1*)]
[that is operated as an apartment complex (*as defined in I.C. 6-1.1-20.6-1*)]
[that contains subsidized housing].

Instruction No. 14.1605. Family or Household Member.**I.C. 35-31.5-2-128.**

An individual is a “family or household member” of another person if the individual:

- (1) is a current or former spouse of the other person;
- (2) is dating or has dated the other person;
- (3) is or was engaged in a sexual relationship with the other person;
- (4) is related by blood or adoption to the other person;
- (5) is or was related by marriage to the other person;
- (6) has or previously had an established legal relationship:
 - (A) as a guardian of the other person;
 - (B) as a ward of the other person;
 - (C) as a custodian of the other person;
 - (D) as a foster parent of the other person; or
 - (E) in a capacity with respect to the other person similar to those listed in clauses (A) through (D); or
- (7) has a child in common with the other person.

(b) An individual is a “family or household member” of both persons to whom subsection (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), or (a)(7) applies if the individual is a minor child of one (1) of the persons.

Comment

Subsection (5)’s “related by marriage” has been construed by the Indiana Supreme Court to be limited by the common-law doctrine of relationship by affinity:

“Related by marriage” is commonly referred to as affinity, which is defined as “the connection existing in consequence of marriage between each of the married persons and the kindred of the other. . . .

. . . “[t]here is no affinity between the blood relatives of one spouse and the blood relatives of the other. A husband is related by affinity to his wife’s brother, but not to the wife of his wife’s brother. There is no affinity between the husband’s brother and the wife’s sister.” 2 Charles E. Torcia, *Wharton’s Criminal Law* § 242 at 573 (15th ed. 1994) (footnotes omitted).

It appears to us that rather than extending the scope of “related by marriage” to an infinite configuration of marital relationships the legislature intended instead to employ the term in its commonly understood meaning namely, related by “affinity.” . . . “There is no affinity between the blood relatives of one spouse

and the blood relatives of the other.” 2 Wharton’s Criminal Law § 242 at 573.

Suggs v. State, 51 N.E.3d 1190 (Ind. 2016).

Instruction No. 14.1610. Fear.

The word “fear” means an emotional state of mind created by anticipation of bodily injury.

Comments

This instruction is based on *Rigsby v. State*, 582 N.E.2d 910 (Ind. Ct. App. 1991).

Instruction No. 14.1620. Federal Enforcement Officer.**I.C. 35-31.5-2-129.**

The term "federal enforcement officer" is defined by law as meaning any of the following:

- (1) a Federal Bureau of Investigation special agent;
- (2) a United States Marshals Service marshal or deputy;
- (3) a United States Secret Service special agent;
- (4) a United States Fish and Wildlife Service special agent;
- (5) a United States Drug Enforcement Agency agent;
- (6) a Bureau of Alcohol, Tobacco, and Firearms agent;
- (7) a United States Department of Defense police officer or criminal investigator;
- (8) a United States Customs Service agent;
- (9) a United States Postal Service investigator.

Instruction No. 14.1640. Federal Public Benefit.**I.C. 12-32-1-2.****The term “federal public benefit” means:**

- (1) Except as provided in paragraph (2), “Federal public benefit” means—
 - (A) any grant, contract, loan, professional license, or commercial license provided by an agency of the United States or by appropriated funds of the United States; and
 - (B) any retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment benefit, or any other similar benefit for which payments or assistance are provided to an individual, household, or family eligibility unit by an agency of the United States or by appropriated funds of the United States.
- (2) Such term shall not apply—
 - (A) to any contract, professional license, or commercial license for a nonimmigrant whose visa for entry is related to such employment in the United States, or to a citizen of a freely associated state, if section 141 of the applicable compact of free association approved in Public Law 99-239 or 99-658 (or a successor provision) is in effect;
 - (B) with respect to benefits for an alien who as a work authorized nonimmigrant or as an alien lawfully admitted for permanent residence under the Immigration and Nationality Act qualified for such benefits and for whom the United States under reciprocal treaty agreements is required to pay benefits, as determined by the Attorney General, after consultation with the Secretary of State; or
 - (C) to the issuance of a professional license to, or the renewal of a professional license by, a foreign national not physically present in the United States.

Comments

For use in prosecutions of false verification of citizenship or immigration status, Instruction No. 5.6600.

This definition incorporates 8 U.S.C. 1611.

Instruction No. 14.1660. Felony Conviction.**I.C. 35-31.5-2-130.**

The term "felony conviction" is defined by law as meaning a conviction, in any jurisdiction, at any time, with respect to which the convicted person might have been imprisoned for more than one (1) year; but it does not include a conviction with respect to which the person has been pardoned, or the commission of a Level 6 felony, the judgment of conviction for which is entered as a Class A misdemeanor under I.C. 35-50-2-7(b).

Instruction No. 14.1670. Female Genital Mutilation.**I.C. 35-42-2-10(a).**

The term “female genital mutilation” means any procedure that involves the partial or total removal of the external female genitalia, or any harmful procedure to the female genitalia, including the following:

- (1) Clitoridectomy.
- (2) Partial or total removal of the clitoris or the prepuce.
- (3) Excision or the partial or total removal of the clitoris and the labia minora, with or without excision of the labia majora.
- (4) Infibulation or the narrowing of the vaginal orifice with the creation of a covering seal by cutting and appositioning the labia minora or the labia majora, with or without excision of the clitoris.
- (5) Pricking, incising, or scraping, and cauterizing the genital area.
- (6) Any other procedure intended to alter the structure or function of the female genitalia for nonmedical reasons.

Instruction No. 14.1680. Fetus.**I.C. 35-42-1-2(a).**

The term "fetus" means a fetus in any stage of development.

Instruction No. 14.1700. Financial Institution.**I.C. 35-31.5-2-132.5.**

The term “financial institution” means any bank, trust company, corporate fiduciary, savings association, credit union, savings bank, bank of discount and deposit, or industrial loan and investment company organized or reorganized under the laws of this state, or any other state of the United States and includes licensees under I.C. 24-4-4.4, I.C. 24-4.5, and 750 IAC 9.

Instruction No. 14.1720. Firearm.**I.C. 35-31.5-2-133(a).**

The word “firearm” means any weapon that is capable of or designed to expel or that may readily be converted to expel a projectile by means of an explosion.

Comments

For use with Chapter 7—Firearms Offense Instructions.

(Text continued on page 14-91)

Instruction No. 14.2140. Human Being.**I.C. 35-31.5-2-160.**

The term “human being” is defined by law as meaning an individual who has been born and is alive.

Instruction No. 14.2150. Human Reproductive Material.**I.C. 34-24-5-1.**

“Human reproductive material” means:

- (A) a human spermatozoon or ovum; or
- (B) a human organism at any stage of development from fertilized ovum to embryo.

Instruction No. 14.2160. Impermissible Contact.**I.C. 35-45-10-3.**

The term “impermissible contact” is defined by law as including but not limited to knowingly or intentionally following or pursuing the victim.

Instruction No. 14.2180. Imprison.**I.C. 35-31.5-2-166.**

“Imprison” means to:

- (1) confine in a penal facility;
- (2) commit to the department of correction; or
- (3) assign to a community transition program under IC 11-10-11.5.

Instruction No. 14.2200. Incendiary.**I.C. 35-31.5-2-167.**

"Incendiary" means a flammable liquid or compound with a flash point not greater than one hundred fifty (150) degrees Fahrenheit, as determined by a Tagliabue or an equivalent closed cup device, including gasoline, kerosene, fuel oil, or a derivative of these substances.

Comments

This instruction is for use with I.C. 35-47.5 controlled explosives offenses.

Instruction No. 14.2220. Identifying Information.**I.C. 35-43-5-1.**

The term “identifying information” means information, genuine or fabricated, that identifies or purports to identify a person, including:

- (1) name, address, date of birth, place of employment, employer identification number, mother’s maiden name, Social Security number, or any identification number issued by a governmental entity;
- (2) unique biometric data, including the individual’s fingerprint, voice print, or retina or iris image;
- (3) unique electronic identification number, address, or routing code;
- (4) telecommunication identifying information; or
- (5) telecommunication access device, including a card, a plate, a code, a telephone number, an account number, a personal identification number, an electronic serial number, a mobile identification number, or another telecommunications service or device or means of account access that may be used to:
 - (A) obtain money, goods, services, or any other thing of value; or
 - (B) initiate a transfer of funds.

Instruction No. 14.2240. Instant Messaging or Chat Room Program.**I.C. 35-31.5-2-173.**

The term “instant messaging or chat room program” means a software program that:

- requires a person to register or create (an account) (a username) (a password) to become a member or registered user of the program
- and allows two (2) or more members or authorized users to communicate over the Internet in real time.

The term does not include an electronic mail program or message board program.

Comments

For use in I.C. 35-42-4-12 sex offender Internet offense prosecutions.

Instruction No. 14.2260. Insurance Policy.**I.C. 35-43-5-1(j).**

The term “insurance policy” the following:

[an insurance policy]

[or]

[a contract with a health maintenance organization (as defined in IC 27-13-1-19) or
a limited service health maintenance organization (as defined in IC 27-13-1-27)]

[or]

[a written agreement entered into under IC 27-1-25].

Instruction No. 14.2280. Insurer.**I.C. 27-1-2-3(x) I.C. 35-43-5-1(k).**

The term “insurer” means a company, firm, partnership, association, order, society or system making any kind or kinds of insurance and shall include associations operating as Lloyds, reciprocal or inter-insurers, or individual underwriters.

“Insurer” also means

[a reinsurer]

[or]

[a purported insurer or reinsurer]

[or]

[a broker]

[or]

[an agent of an insurer, a reinsurer, a purported insurer or reinsurer, or a broker]

[or]

[a health maintenance organization]

[or]

[a limited service health maintenance organization].

Instruction No. 14.2290. Intimate Image (effective for crimes committed July 1, 2019 or after).

I.C. 35-31.5-2-176.2; I.C. 35-45-4-8(c).

“Intimate image” means a photograph, digital image or video that depicts:

1. sexual intercourse
2. other sexual conduct
3. exhibition of uncovered buttocks, genitals or female breast of an individual; and taken, captured or recorded by:
 1. An individual depicted in the photograph, digital image, or video and given or transmitted directly to the person who distributes the intimate image or;
 2. The person who distributes the intimate image, in the presence of an individual depicted in the photograph, digital image, or video.

Comments

The Court should also give Indiana Pattern Instructions 14.3680 (Definition of Sexual Intercourse) and 14.2815 (Definition of Other Sexual Conduct).

(Text continued on page 14-119)

Instruction No. 14.2480. Machine Gun.**I.C. 35-31.5-2-190, I.C. 35-47-2-7(a).**

The term "machine gun" means a weapon that shoots, or can readily be restored to shoot, automatically more than one (1) shot, without manual reloading, by a single function of the trigger.

(or)

A separate definition exists for offenses occurring after July 1, 2019, under Indiana Code § 35-47-2-7:

As used in this section, "machine gun" means any weapon that shoots, is designed to shoot, or can be readily restored to shoot automatically more than one (1) shot, without manual reloading, by a single function of the trigger. The term includes the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or a combination of parts designed and intended, for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.

Instruction No. 14.2500. Make.**I.C. 35-43-5-1(m).**

“Make” means to draw, prepare, complete, counterfeit, copy or otherwise reproduce, or alter any written instrument in whole or in part.

Instruction No. 14.2520. Manufacture.**I.C. 35-31.5-2-192 35-43-5-1(l).**

The term "manufacture" means: (1) the production, preparation, propagation, compounding, conversion, or processing of a controlled substance, either directly or indirectly by extraction from substances of natural origin, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, or (2) the organizing or supervision of any such production, preparation, propagation, compounding, conversion, or processing of a controlled substance.

"Manufacture" does not include the preparation, compounding, packaging, or labeling of a controlled substance:

- (a) by a practitioner as an incident to his administering or dispensing of a controlled substance in the course of his professional practice; or
- (b) by a practitioner, or by his authorized agent under his supervision, for the purpose of, or as an incident to, research teaching or chemical analysis and not for sale.

Instruction No. 14.2530. Manufacture of an Unlawful Telecommunications Device.

I.C. 35-45-13-1.

The term “manufacture of an unlawful telecommunications device” means:

- (1) the production or assembly of an unlawful telecommunications device; or
- (2) the modification, alteration, programming, or reprogramming of a telecommunications device to render it capable of acquiring or facilitating the acquisition of telecommunications service without the consent of the telecommunications service provider.

Comments

The following terms are defined by law: “telecommunications device” (I.C. 35-31.5-2-326; Instruction No. 14.4040); “telecommunications services” (I.C. 35-31.5-2-327; Instruction No. 14.4060); “telecommunications service provider” (I.C. 35-31.5-2-328; Instruction No. 14.4080); and “unlawful telecommunications device” (I.C. 35-31.5-2-342; Instruction No. 14.4360).

Instruction No. 14.2540. Marijuana.**I.C. 35-31.5-2-195.**

The term "marijuana" means any part of the plant genus *Cannabis* whether growing or not; the seeds thereof; the resin extracted from any part of the plant, including hashish and hash oil; any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant; fiber produced from the stalks; oil or cake made from the seeds of the plant; any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom); or the sterilized seed of the plant which is incapable of germination.

Instruction No. 14.2560. Matter.**I.C. 35-31.5-2-196.**

“Matter” means any book, magazine, newspaper, or other printed or written material; any picture, drawing, photograph, motion picture, or other pictorial representation; any statue or other figure; any recording, transcription, or mechanical, chemical, or electric reproduction; or any other articles, equipment, machines, or materials.

Instruction No. 14.2580. Mental Health Professional.**I.C. 35-31.5-2-197.5.**

“Mental health professional” means:

- (1) a mental health counselor licensed under IC 25-23.6-8.5;
- (2) a psychologist; or
- (3) a psychiatrist.

Comments

This instruction is for use with Instructions No. 3.5240, Child Seduction—Professional Relationship, and No. 14.162, Professional Relationship.

Instruction No. 14.2582. Metering Device.**I.C. 35-43-5-1(n).**

The term “metering device” means a mechanism or system used by a utility to measure or record the quantity of services received by a customer.

Instruction No. 14.2600. Military Recruiter.**I.C. 35-31.5-2-200.**

The term “military recruiter” means a member of the armed forces of the United States (as defined in IC 20-33-10-2) or the Indiana National Guard whose primary job function, classification, or specialty is recruiting individuals to enlist with the armed forces of the United States or the Indiana National Guard.

Comments

For use in I.C. 35-42-4-7 child seduction prosecutions, Instruction Nos. 3.5200 and 3.5240.

(Text continued on page 14-139)

DECLARATION OF INTEREST

Page 1 of 1

I, the undersigned, declare that I have no financial interest or other interest in the subject matter of this report, and that I have no financial interest or other interest in the subject matter of this report, and that I have no financial interest or other interest in the subject matter of this report.

I, the undersigned, declare that I have no financial interest or other interest in the subject matter of this report, and that I have no financial interest or other interest in the subject matter of this report, and that I have no financial interest or other interest in the subject matter of this report.

Signature of Declarant

Instruction No. 14.3260. Proximate Cause.

The term “proximate cause” is used in some statutes or caselaw. The Committee agrees with the Model Civil Jury Instructions Comments to Model Civil Jury Instruction No. 917, which point out that “proximate cause” is a term often misunderstood by jurors and lamented by legal experts. The Criminal Instructions Committee recommends use of Model Civil Jury Instruction No. 917, modified as indicated below, for criminal cases requiring a definition of “proximate cause”:

A person’s conduct is legally responsible for causing [an injury][property damage][a death] if:

- (1) the [injury][property damage][a death] would not have occurred without the conduct, and
- (2) the [injury][property damage][a death] was a natural, probable, and foreseeable result of the conduct.

This is called a “proximate cause.”

[There can be more than one proximate cause for an injury.]

Instruction No. 14.3270. Public Agency.**I.C. 5-16-6.5-2.**

As used in this chapter, “public agency” includes the following:

- (1) A political subdivision as defined in IC 36-1-2-13.
- (2) A municipally owned utility.
- (3) A lessor corporation leasing a school building to a school corporation under IC 20-47-2 or IC 20-47-3.
- (4) A lessor corporation constructing a public facility to be leased to a political subdivision.
- (5) A state agency.
- (6) Any entity established by the general assembly as a body corporate and politic.

Comments

This definition of “public agency” is for use only with Instructions 4.3000 concerning fraud.

Instruction No. 14.3280. Public Park.**I.C. 35-31.5-2-258.**

The term "public park" means any property operated by a political subdivision for park purposes, defined in IC 36-10-1-2 as including the establishment, equipment, and operation of parks, boulevards, pleasure drives, parkways, wheelways, park boulevards, bridlepaths, playgrounds, playfields, bathhouses, comfort stations, swimming pools, community centers, recreation centers, other recreational facilities, and recreational programs.

Instruction No. 14.3300. Public Relief or Assistance.**I.C. 35-43-5-1(o).**

The term “public relief or assistance” means any payment made, service rendered, hospitalization provided, or other benefit extended to a person by a governmental entity from public funds and includes township assistance, food stamps, direct relief, unemployment compensation, and any other form of support or aid.

Instruction No. 14.3310. Public Safety Official.**I.C. 35-45-2-1.**

The term "public safety official" means:

- (1) a law enforcement officer, including an alcoholic beverage enforcement officer;
- (2) an employee of a penal facility or a juvenile detention facility (as defined in IC 31-9-2-71);
- (3) an employee of the department of correction;
- (4) a probation officer;
- (5) a parole officer;
- (6) a community corrections worker;
- (7) a home detention officer;
- (8) a department of child services employee;
- (9) a firefighter;
- (10) an emergency medical services provider; or
- (11) a judicial officer;
- (12) a bailiff of any court; or
- (13) a special deputy (as described in IC 36-8-10-10.6).

(Text continued on page 14-179)

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

Instruction No. 14.3440. Receiving.**I.C. 35-31.5-2-268.**

The term “receiving” is defined by law as meaning acquiring possession or control of or title to property, or lending on the security of property.

Instruction No. 14.3442. Recording**I.C. 35-43-5-1(p).**

The term “recording” means a tangible medium upon which sounds or visual images are recorded or stored. The term includes the following:

- (1) An original:
 - a. Phonograph record;
 - b. Compact disc;
 - c. Wire;
 - d. Tape;
 - e. Audio cassette;
 - f. Video cassette; or
 - g. Film.
- (2) Any other medium on which sound or visual images are or can be recorded or otherwise stored.
- (3) A copy or reproduction of an item in subdivision (1) or (2) that duplicates an original recording in whole or in part.

Instruction No. 14.3460. Regulated Explosive.**I.C. 35-31.5-2-273.3.**

“Regulated explosive” includes a destructive device and an explosive.

Comments

This definition applies only to I.C. 35-47.5 controlled explosives offenses.

I.C. 35-47.5-2-13 contains a list of items which the definition above of “regulated explosives” does not include. The Committee believes that items on this list constitute “exceptions” or “exemptions” which the Defendant has the burden to prove. *See Harris v. State*, 716 N.E.2d 406 (Ind. 1999); *Armstrong v. State*, 742 N.E.2d 972 (Ind. Ct. App. 2001). The statutory list of exceptions is:

- (1) An explosive in a manufactured article that is designed and packaged in a manner that is likely to prevent an explosion resulting in property damage or personal injury. A manufactured article to which this subdivision applies includes fixed ammunition for small arms, a firework, and a safety fuse match.
- (2) Gasoline, kerosene, naphtha, turpentine, or benzine.
- (3) An explosive that is being transported on or in a vessel, railroad car, or highway vehicle in conformity with the regulations adopted by the United States Department of Transportation.
- (4) A blasting explosive that is transported or used for agricultural purposes and that is in a quantity that does not exceed two hundred (200) pounds.
- (5) Ammonium nitrate or other explosive compounds kept for mining purposes at coal mines regulated under IC 14-34.

Instruction No. 14.3470. Relative.**I.C. 35-42-2-1.**

“Relative” means an individual related by blood, half-blood, adoption, marriage, or remarriage, including:

- (1) a spouse;
- (2) a parent or stepparent;
- (3) a child or stepchild;
- (4) a grandchild or stepgrandchild;
- (5) a grandparent or stepgrandparent;
- (6) a brother, sister, stepbrother, or stepsister;
- (7) a niece or nephew;
- (8) an aunt or uncle;
- (9) a daughter-in-law or son-in-law;
- (10) a mother-in-law or father-in-law; or
- (11) a first cousin.

Comments

This instruction is for use with Battery on a Member of a Foster Home, Instruction No. 3.1400.

Instruction No. 14.3480. Residential Real Property Transaction.**I.C. 35-31.5-2-277.**

As used in the I.C. 35-43-9 statutes on conversion or misappropriation of title insurance escrow funds, the term “residential real property transaction” means the purchase, sale, or refinancing of a dwelling that has been or will be the residence of a party in the purchase, sale, or refinancing.

(Text continued on page 14-189)

Information for the public (FOIA) - 2025-01-01

2025-01-01

The following information is being provided to the public in accordance with the provisions of the Freedom of Information Act (FOIA). This information is being provided to the public in accordance with the provisions of the Freedom of Information Act (FOIA). This information is being provided to the public in accordance with the provisions of the Freedom of Information Act (FOIA).

The following information is being provided to the public in accordance with the provisions of the Freedom of Information Act (FOIA). This information is being provided to the public in accordance with the provisions of the Freedom of Information Act (FOIA). This information is being provided to the public in accordance with the provisions of the Freedom of Information Act (FOIA).

The following information is being provided to the public in accordance with the provisions of the Freedom of Information Act (FOIA). This information is being provided to the public in accordance with the provisions of the Freedom of Information Act (FOIA). This information is being provided to the public in accordance with the provisions of the Freedom of Information Act (FOIA).

Instruction No. 14.3820. Shotgun.**I.C. 35-31.5-2-305.**

The word "shotgun" means a weapon designed or re-designed, made or remade, and intended to be fired from the shoulder and designed or re-designed and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

Instruction No. 14.3822. Slug.**I.C. 35-43-5-1(g).**

The term “slug” means an article or object that is capable of being deposited in a coin machine as an improper substitute for a genuine coin, bill, or token.

Instruction No. 14.3840. Social Networking Web Site.**I.C. 35-31.5-2-307.**

The term “social networking web site” means an Internet web site, an application, a computer program, or software that:

- facilitates the social introduction between two (2) or more persons
- and requires a person to register or create an account, a username, or a password to become a member of the web site and to communicate with other members
- and allows a member to create a web page or a personal profile
- and provides a member with the opportunity to communicate with another person.

The term does not include an electronic mail program or message board program.

Comments

For use in I.C. 35-42-4-12 sex offender Internet offense prosecutions.

(Text continued on page 14-227)

Instruction No. 14.4360. Unlawful telecommunications device.**I.C. 35-31.5-2-342.**

The term “unlawful telecommunications device” means a telecommunications device that:

- (1) is capable of; or
- (2) has been altered, modified, programmed, or reprogrammed, alone or in conjunction with another access device or other equipment, to render the telecommunications device capable of,
 - acquiring or facilitating the acquisition of an electronic serial number, a mobile identification number, or a personal identification number of any telecommunications service without the consent of a telecommunications service provider.

Comments

The following terms are defined by law: “telecommunications device” (I.C. 35-31.5-2-326; Instruction No. 14.4040); “telecommunications services” (I.C. 35-31.5-2-327; Instruction No. 14.4060); and “telecommunications services provider” (I.C. 35-31.5-2-328; Instruction No. 14.4080).

Instruction No. 14.4365. Unmanned Aerial Vehicle.**I.C. 35-31.5-2-342.3.**

The term “unmanned aerial vehicle” means an aircraft that does not carry a human operator and that is capable of flight under remote control or its own [“autonomous”] programming. The term includes:

- (1) An unmanned aircraft and an unmanned aircraft system (both as defined in the Federal Aviation Administration Modernization and Reform Act of 2012).
- (2) A small unmanned aircraft and a small unmanned aircraft system (both as defined in 14 CFR 107.3).

Instruction No. 14.4370. Utility.**I.C. 35-43-5-1(r).**

The term “utility” means a person who owns or operates, for public use, any plant, equipment, property, franchise, or license for the production, storage, transmission, sale or delivery of electricity, water, steam, telecommunications, information or gas.

(Text continued on page 14-255)

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

Instruction No. 14.4500. Women-Owned Business Enterprise.**I.C. 5-16-6.5-3.**

The term “women-owned business enterprise” is defined by law as meaning a business that is at least fifty-one percent (51%) owned and controlled by a woman or women.

Comments

The following term is defined by law: “owned and controlled” (4-13-16.5-1; Instruction No. 14.2860).

Instruction No. 14.4520. Written Instrument.**I.C. 35-43-5-1(s).**

“Written instrument” means a paper, document, or other instrument containing written matter and includes money, coins, tokens, stamps, seals, credit cards, badges, trademarks, medals, retail sales receipts, labels or markings (including a universal product code (UPC) or another product identification code), or other objects or symbols of value, right, privilege, or identification.

Instruction No. 14.4540. Youth Program Center.**I.C. 35-31.5-2-357.**

The term “youth program center” means a building or structure, or the real property on which it stands, which on a regular basis provides recreational, vocational, academic, social, or other programs or services for persons less than eighteen (18) years of age. The term does not include school property.

UNITED STATES DEPARTMENT OF JUSTICE

OFFICE OF THE ATTORNEY GENERAL

Washington, D.C. 20530

MEMORANDUM FOR THE ATTORNEY GENERAL

SUBJECT: [Illegible]

CHAPTER 15

BIFURCATED TRIALS (effective for crimes committed July 1, 2014 or after, unless otherwise noted)

SYNOPSIS

- | | |
|---------------------------------|---|
| Instruction No. 15.0020. | PRELIMINARY INSTRUCTION No. 1: Life Imprisonment Without Parole/Death Penalty. |
| Instruction No. 15.0060. | PRELIMINARY INSTRUCTION No. 2: Life Imprisonment Without Parole/Death Penalty. |
| Instruction No. 15.0100. | PRELIMINARY INSTRUCTION No. 3: Life Imprisonment Without Parole/Death Penalty. |
| Instruction No. 15.0140. | PRELIMINARY INSTRUCTION No. 4: Life Imprisonment Without Parole/Death Penalty. |
| Instruction No. 15.0180. | PRELIMINARY INSTRUCTION No. 5: Life Imprisonment Without Parole/Death Penalty. |
| Instruction No. 15.0200. | PRELIMINARY INSTRUCTION No. 6: Life Imprisonment Without Parole/Death Penalty. |
| Instruction No. 15.0240. | PRELIMINARY INSTRUCTION No. 7: Life Imprisonment Without Parole/Death Penalty. |
| Instruction No. 15.0280. | PRELIMINARY INSTRUCTION No. 8: Life Imprisonment Without Parole/Death Penalty. |
| Instruction No. 15.0320. | PRELIMINARY INSTRUCTION No. 9: Life Imprisonment Without Parole/Death Penalty. |
| Instruction No. 15.0360. | FINAL INSTRUCTION No. 1: Life Imprisonment Without Parole/Death Penalty. |
| Instruction No. 15.0400. | FINAL INSTRUCTION No. 2: Life Imprisonment without Parole/Death Penalty. |
| Instruction No. 15.0440. | FINAL INSTRUCTION No. 3: Life Imprisonment Without Parole/Death Penalty. |
| Instruction No. 15.0480. | FINAL INSTRUCTION No. 4: Life Imprisonment Without Parole/Death Penalty. |
| Instruction No. 15.0520. | FINAL INSTRUCTION No. 5: Life Imprisonment Without Parole/Death Penalty. |
| Instruction No. 15.0560. | FINAL INSTRUCTION No. 6: Life Imprisonment Without Parole/Death Penalty. |

- Instruction No. 15.0600. FINAL INSTRUCTION No. 7: Life Imprisonment Without Parole/Death Penalty.
- Instruction No. 15.0640. FINAL INSTRUCTION No. 8: Life Imprisonment Without Parole/Death Penalty.
- Instruction No. 15.0680. FINAL INSTRUCTION No. 9: Life Imprisonment Without Parole/Death Penalty.
- Instruction No. 15.0720. FINAL INSTRUCTION No 10: Life Imprisonment Without Parole/Death Penalty.
- Instruction No. 15.0760. FINAL INSTRUCTION No. 11: Life Imprisonment Without Parole/Death Penalty.
- Instruction No. 15.0800. FINAL INSTRUCTION No. 12: Life Imprisonment Without Parole/Death Penalty.
- Instruction No. 15.0840. FINAL INSTRUCTION No 13: Life Imprisonment Without Parole/Death Penalty.
- Instruction No. 15.0880. FINAL INSTRUCTION No. 15: Life Imprisonment Without Parole/Death Penalty.
- Instruction No. 15.0920. FINAL INSTRUCTION No. 16: Life Imprisonment Without Parole/Death Penalty.
- Instruction No. 15.1000. Recidivist Preliminary and Final.
- Instruction No. 15.1200. Habitual Offender—Definition—Phase II.
- Instruction No. 15.1240. Habitual Offender—Elements—Phase II—Level 1, 2, 3, or 4 Felony Principal Charge.
- Instruction No. 15.1260. Habitual Offender—Elements—Phase II—Level 5 Felony Principal Charge Committed Prior to July 1, 2017.
- Instruction No. 15.1265. Habitual Offender—Elements—Phase II—Level 5 Felony Principal Charge—Offenses Committed on or after July 1, 2017.
- Instruction No. 15.1280. Habitual Offender—Elements—Phase II—Any Level Felony Charge, Felony Committed between July 1, 2014 and July 1, 2017, with Three Prior Unrelated Felony Convictions.
- Instruction No. 15.1285. Habitual Offender—Elements—Phase II—Any Level Felony Charge with Three Prior Unrelated Felony Convictions—Offenses Committed on or after July 1, 2017.
- Instruction No. 15.1290. Habitual Vehicular Substance Offender—Elements—Phase II.
- Instruction No. 15.1400. Incorporation of Evidence.
- Instruction No. 15.1600. Habitual Offender—Pardon or Reversal.
- Instruction No. 15.1800. Repeat Sex Offender.
- Instruction No. 15.1850. Sex Offender Unmanned Aerial Vehicle Offense.
- Instruction No. 15.1900. Criminal Organization Enhancement.
- Instruction No. 15.1940. Criminal Organization Enhancement.
- Instruction No. 15.2000. Termination of Human Pregnancy.
- Instruction No. 15.2200. Battery of Person—Second Offense—Elements Phase II.
- Instruction No. 15.2240. Domestic Battery—Level 6 Felony Prior Battery Conviction.
- Instruction No. 15.2240(a). Domestic Battery—Level 6 Felony Prior Battery Conviction

(effective for crimes committed July 1, 2019 or after).

- Instruction No. 15.2245. Domestic Battery—Level 5 Felony, Prior Battery Conviction Same Victim.
- Instruction No. 15.2400. Intimidation—Second Offense—Phase II.
- Instruction No. 15.2500. Unlawful Employment Near Children.
- Instruction No. 15.2600. Child Solicitation—Victim Under Fourteen.
- Instruction No. 15.2640. Child Solicitation—Victim Fourteen to Fifteen.
- Instruction No. 15.2800. Sex Offender Internet Offense—Second Offense.
- Instruction No. 15.2900. Inappropriate Communication With a Child—Phase II.
- Instruction No. 15.3000. Criminal Trespass—Phase II.
- Instruction No. 15.3200. Dealing in Altered Property.
- Instruction No. 15.3300. Fraud—Phase II.
- Instruction No. 15.3400. Home Improvement Fraud—Phase II—Class B Misdemeanor Raised to Class A Misdemeanor.
- Instruction No. 15.3600. Insurance Fraud.
- Instruction No. 15.3700. Resisting Law Enforcement.
- Instruction No. 15.3800. Theft.
- Instruction No. 15.3900. Auto Theft and Receiving Stolen Auto Parts—Elements—Phase II.
- Instruction No. 15.4000. Non-support of a Dependent Child.
- Instruction No. 15.4100. Invasion of Privacy.
- Instruction No. 15.4180. Stalking—Level 4 Felony—Phase II.
- Instruction No. 15.4200. Voyeurism.
- Instruction No. 15.4240. Public Voyeurism.
- Instruction No. 15.4250. Remote Aerial Voyeurism.
- Instruction No. 15.4300. Public Indecency.
- Instruction No. 15.4340. Public Nudity.
- Instruction No. 15.4500. Prostitution—Making an Unlawful Proposition—Phase II.
- Instruction No. 15.4600. Failure of Offender to Register: Registration Misstatement or Omission. Failure to Register in Person. Failure to Reside at Registered Location.
- Instruction No. 15.4640. Failure of an Offender to Possess Identification.
- Instruction No. 15.4680. Lifetime Parole Violation—Contact with Child or Victim.
- Instruction No. 15.4800. Professional Gambling.
- Instruction No. 15.4840. Maintaining a Professional Gambling Site.
- Instruction No. 15.4880. Promoting Professional Gambling.
- Instruction No. 15.4900. Exploitation of Dependent or Endangered Adult—Second Offense (for offenses committed July 1, 2020 or later).
- Instruction No. 15.5000. Dealing in Cocaine or a Narcotic Drug.
- Instruction No. 15.5040. Dealing in Methamphetamine.
- Instruction No. 15.5045. Manufacturing Methamphetamine.

- Instruction No. 15.5080. Dealing in Schedule I, II, or III Controlled Substance.
- Instruction No. 15.5120. Dealing in a Schedule IV Controlled Substance.
- Instruction No. 15.5160. Dealing in a Schedule V Controlled Substance.
- Instruction No. 15.5170. Use or Possession of Firearm in Dealing Controlled Substance Offense.
- Instruction No. 15.5180. Use of Firearm in Offense Against the Person Resulting in Death or Serious Bodily Injury, or in Kidnapping, or in Level 2 or 3 Criminal Confinement.
- Instruction No. 15.5185. Pointing or Discharging Firearm at Police Officer When Committing an Offense.
- Instruction No. 15.5200. Possession of Cocaine or a Narcotic Drug.
- Instruction No. 15.5240. Possession of Methamphetamine.
- Instruction No. 15.5280. Possession of Controlled Substance.
- Instruction No. 15.5400. Manufacture of Paraphernalia—Phase II.
- Instruction No. 15.5440. Dealing in Paraphernalia—Phase II.
- Instruction No. 15.5480. Possession of Paraphernalia—Phase II.
- Instruction No. 15.5600. Dealing in Marijuana, Hash Oil, Hashish, or Salvia—Phase II.
- Instruction No. 15.5640. Dealing in a Synthetic Drug or Synthetic Drug Lookalike Substance—Prior Same Offense.
- Instruction No. 15.5680. Dealing in a Synthetic Drug or Synthetic Drug Lookalike Substance—Prior Involving.
- Instruction No. 15.5720. Possession of Marijuana, Hash Oil, Hashish, or Salvia.
- Instruction No. 15.5760. Possession of a Synthetic Drug or Synthetic Drug Lookalike Substance—Prior Same Offense or Dealing.
- Instruction No. 15.5800. Taking Child or Endangered Adult to Nuisance.
- Instruction No. 15.5900. Acquiring Possession of a Controlled Substance by Misrepresentation—Phase II.
- Instruction No. 15.5940. False Labeling of a Controlled Substance—Phase II.
- Instruction No. 15.5980. Unlawful Duplication of Prescription Pads—Phase II.
- Instruction No. 15.6100. Operating With Eight-hundredths Gram of Alcohol, Fifteen-hundredths Gram of Alcohol, Operating With Controlled Substance, or Operating While Intoxicated, Level 6 Felony—Previous Conviction of Operating While Intoxicated—Phase II.
- Instruction No. 15.6300. Operating With Eight-hundredths Gram of Alcohol, Fifteen-hundredths Gram of Alcohol, Operating With Controlled Substance, or Operating While Intoxicated, Level 5 Felony for Causing Serious Bodily Injury With Previous Conviction.
- Instruction No. 15.6300(a). Operating With Eight-hundredths Gram of Alcohol, Fifteen-hundredths Gram of Alcohol, Operating With Controlled Substance, or Operating While Intoxicated, Level 4 Felony for Causing Serious Bodily Injury With Previous Conviction (effective for crimes committed July 1, 2019 or after).
- Instruction No. 15.6350. Operating With Eight-hundredths Gram of Alcohol, Fifteen-hundredths Gram of Alcohol, Operating With Controlled Substance,

or Operating While Intoxicated, Level 4 Felony for Causing Death With Prior Conviction.

- Instruction No. 15.6500. Operating with Eight-hundredths Gram of Alcohol, Fifteen-hundredths Gram of Alcohol, Operating with Controlled Substance, or Operating While Intoxicated, Level 4 Felony for Death While Suspended for Prior Conviction.
- Instruction No. 15.6550. Operating with Eight-hundredths Gram of Alcohol, Fifteen-hundredths Gram of Alcohol, Operating with Controlled Substance, or Operating While Intoxicated, Level 4 Felony for Causing Death While Suspended as a Habitual Violator.
- Instruction No. 15.6700. Prior Conviction Resulting in Death: [Operating a Vehicle With Eight-hundredths (0.08) Gram of Alcohol]; [Operating a Vehicle With Fifteen-hundredths (0.15) Gram of Alcohol]; [Operating a Vehicle With Controlled Substance or Metabolite]; [Operating a Vehicle While Intoxicated]. I.C. 9-30-5-3(b).
- Instruction No. 15.6800. Failure to Act as Required After Accident Involving Injury and Leaving the Scene of an Accident.
- Instruction No. 15.6900. Operating a Motorboat While Intoxicated—Phase II.
- Instruction No. 15.7000. Possession of a Firearm in Violation of I.C. 35-47-4-9—Phase II.
- Instruction No. 15.7100. Dangerous Possession of a Firearm—Phase II.
- Instruction No. 15.7200. Dangerous Control of a Firearm—Phase II.
- Instruction No. 15.7300. Dangerous Control of a Child—Phase II.
- Instruction No. 15.7400. Carrying Handgun Without a License—Level 5 Felony—Phase II.
- Instruction No. 15.7500. Possession of Regulated Explosive.
- Instruction No. 15.7600. Use of Overpressure Device.
- Instruction No. 15.7700. Possession of a Knife at School.
- Instruction No. 15.8100. Failure to Restrain a Dog—B Misdemeanor I.C. 15-5-12-3. Phase II.
- Instruction No. 15.8200. Failure to Restrain a Dog—Class A Misdemeanor—Phase II.
- Instruction No. 15.8300. Beating a Vertebrate Animal—Phase II.
- Instruction No. 15.8400. Neglect or Abandonment of an Animal—Phase II.
Attendance at Fighting Contest—Phase II.
- Instruction No. 15.8700. Possession of Animal Fighting Paraphernalia.
- Instruction No. 15.8740. Attending Animal Fighting Contest.
- Instruction No. 15.8800. Public Safety Remote Aerial Interference.
- Instruction No. 15.8840. Remote Aerial Harassment.
- Instruction No. 15.8900. Felony Terrorist Offense (effective for crimes committed July 1, 2019 or after).

(Text continued on page 15-5)

Instruction No. 15.2240(a). Domestic Battery—Level 6 Felony Prior Battery Conviction(effective for crimes committed July 1, 2019 or after).

I.C. 35-42-2-1.3.

The State has filed an additional count alleging that the Defendant had been convicted of a _____ (*name alleged prior offense*), which was a battery offense included in I.C. 35-42-2] or [a strangulation offense included in I.C. 35-42-2-9] before the Defendant committed the offense charged in Count _____. A person who commits domestic battery when he/she has a previous unrelated conviction [of _____ (*name alleged prior battery offense included in I.C. 35-42-2*) or [strangulation offense included in I.C. 35-42-2-9] commits a Level 6 felony.

[The Court instructs you that, as a matter of law:..

- the _____ (*name alleged prior Indiana offense*)) is a battery offense included in I.C. 35-42-2); or a strangulation offense included in I.C. 35-42-2-9;

You may convict the Defendant on this additional count, only if the State has proven beyond a reasonable doubt:

1. The Defendant;
2. had previously been convicted of an unrelated
 - offense of _____ (*name alleged offense*), a battery offense included in I.C. 35-42-2 or a strangulation offense included in I.C. 35-42-2-9.or
3. and the previous conviction occurred before the Defendant committed the domestic battery charged in Count _____.

If the State failed to prove this beyond a reasonable doubt, you must find the Defendant not guilty of domestic battery, a Level 6 felony.

Comments

Phase I of principal charge *see* Chapter 3, Instruction No. 3.1900.

The Committee has concluded that whether the alleged prior offense is a battery offense included in I.C. 35-42-2 or a strangulation offense included in I.C. 35-42-2-9 is an issue for the court to determine. See *McCollum v. State*, 582 N.E.2d 804 (Ind. 1991) (“whether an offense is a felony is not a question of fact for the jury, but a matter of law, predetermined by the legislature and applied by the judiciary”).

The Committee has concluded that the “substantial similarity” issue about the other jurisdiction’s offense is one for the court to determine, by judicially noticing the offense’s definition and comparing it with the Indiana offense. *State v. Rans*, 739 N.E.2d 164 (Ind. Ct. App. 2000), *transfer denied* (whether Michigan DWVI

offense was “substantially similar” to Indiana’s OWI crime was a question of statutory interpretation, “a question of law reserved for the courts”). In making the similarity determination, the court must look at the definition of the other jurisdiction’s offense in effect at the time of the Indiana battery charged in the current prosecution. *State v. Akins*, 824 N.E.2d 676 (Ind. 2005) (with Indiana OVWI “previous conviction of operating while intoxicated” definition as a conviction “in any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of the Indiana offense,” “the correct comparison is between the Michigan statute under which the defendant was convicted and the Indiana statute at the time of the Indiana offense,” not at the time the prior Michigan conviction was entered).

Instruction No. 15.2245. Domestic Battery—Level 5 Felony, Prior Battery Conviction Same Victim.

I.C. 35-42-2-1.3.

The State has filed an additional count alleging that the Defendant had been convicted of a (*name alleged prior offense*), which was a battery offense included in I.C. 35-42-2] or a strangulation offense included in IC 35-42-2-9 against (*name victim*), a family or household member, before the Defendant committed the domestic battery charged in Count _____ against the same victim, (*name victim*), a family or household member of Defendant.

A person who commits domestic battery when he/she has a previous unrelated conviction [of (*name alleged prior battery or strangulation offense included in I.C. 35-42-2/IC 35-42-2-9*)] against the same family or household member commits domestic battery, a Level 5 felony.

[The Court instructs you that, as a matter of law:

- the (*name alleged prior Indiana offense*)) is a battery offense included in I.C. 35-42-2);
- the _____ (*name alleged prior Indiana offense*)) is a strangulation offense included in IC 35-42-2-9);

You may convict the Defendant on this additional count, only if the State has proven beyond a reasonable doubt:

1. The Defendant;
2. had previously been convicted of an unrelated
 - offense of (*name alleged offense*), a battery offense included in I.C. 35-42-2]
 - or
 - offense of _____ (*name alleged offense*), a strangulation offense included in I.C. IC 35-42-2-9]
3. and the unrelated _____ offense of (*name alleged unrelated offense*) was committed against (*name victim*), a family or household member of Defendant, who was the same family or household member of Defendant against whom the domestic battery offense charged in Count _____ was committed.
4. and the conviction for the _____ offense occurred before the Defendant committed the domestic battery offense charged in Count _____.

If the State failed to prove this beyond a reasonable doubt, you must find the Defendant not guilty of domestic battery, a Level 5 felony.

Comments

Phase I of principal charge *see* Chapter 3, Instruction No. 3.1900.

The following term is defined by law: “family or household member” (I.C. 35-31.5-2-128; Instruction No. 14.1605).

The Committee has concluded that whether the alleged prior offense is a battery offense included in I.C. 35-42-2 is an issue for the court to determine. See *McCollum v. State*, 582 N.E.2d 804 (Ind. 1991) (“whether an offense is a felony is not a question of fact for the jury, but a matter of law, predetermined by the legislature and applied by the judiciary”).

The Committee has concluded that the “substantial similarity” issue about the other jurisdiction’s offense is one for the court to determine, by judicially noticing the offense’s definition and comparing it with the Indiana offense. *State v. Rans*, 739 N.E.2d 164 (Ind. Ct. App. 2000), *transfer denied* (whether Michigan DWVI offense was “substantially similar” to Indiana’s OWI crime was a question of statutory interpretation, “a question of law reserved for the courts”). In making the similarity determination, the court must look at the definition of the other jurisdiction’s offense in effect at the time of the Indiana battery charged in the current prosecution. *State v. Akins*, 824 N.E.2d 676 (Ind. 2005) (with Indiana OVWI “previous conviction of operating while intoxicated” definition as a conviction “in any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of the Indiana offense,” “the correct comparison is between the Michigan statute under which the defendant was convicted and the Indiana statute at the time of the Indiana offense,” not at the time the prior Michigan conviction was entered).

Instruction No. 15.2400. Intimidation—Second Offense—Phase II.**I.C. 35-45-2-1(c).**

The State has filed an additional count alleging that the Defendant had been convicted of intimidation concerning the same person before the Defendant committed the offense charged in Count _____. A person who commits intimidation when he/she has a prior conviction of intimidation concerning the same person commits a Level 6 felony.

You may convict the Defendant on this additional count, only if the State has proven beyond a reasonable doubt:

The Defendant was convicted of intimidation of the same person, [victim's name], before the Defendant committed the intimidation of [victim's name] charged in Count _____.

If the State failed to prove this beyond a reasonable doubt, you must find the Defendant not guilty of intimidation, a Level 6 felony.

Comments

Phase I of principal charge—see Chapter 6, Instruction No. 6.0200.

Instruction No. 15.2500. Unlawful Employment Near Children.**I.C. 35-42-4-10.**

The State has filed an additional count alleging that at the time the Defendant committed the offense of unlawful employment near children the Defendant had a prior unrelated conviction based on Defendant's failure to comply with a requirement imposed on an offender under I.C. 35-42-4. A person who commits unlawful employment near children when the person has a prior unrelated conviction based on failure to comply with a requirement imposed on an offender under I.C. 35-42-4 commits unlawful employment near children, a Level 5 felony.

You may convict the Defendant on this additional count only if the State has proven beyond a reasonable doubt:

1. The Defendant
2. had a prior unrelated conviction of (insert name of alleged prior)
3. when the Defendant committed the offense charged in Count _____, and
4. the Court instructs you that (insert name of alleged prior) is an offense which is based on failure to comply with a requirement imposed on an offender under I.C. 35-42-4.

If the State failed to prove each of these elements beyond a reasonable doubt, you must find the Defendant not guilty of unlawful employment near children by a sexual predator, a Level 5 felony as charged in Count _____.

Comments

Phase I of principal charge *see*—Chapter 3, Instruction No. 3.4900.

The Committee believes it is a question of law whether “a prior unrelated conviction” is one “based on the person’s failure to comply with any requirement imposed on an offender under this chapter,” I.C. 35-42-4. See *Russell v. State*, 182 Ind. App. 386, 395 N.E.2d 791 (1979) (whether marijuana a “controlled substance” not a question of fact for the jury; trial judge properly took judicial notice of statutes and instructed the jury marijuana is a “controlled substance”).

Instruction No. 15.2600. Child Solicitation—Victim Under Fourteen.**I.C. 35-42-4-6.**

The State has filed an additional count alleging that at the time the Defendant committed the offense of child solicitation by use of a computer network the Defendant had a previous unrelated conviction of child solicitation by use of a computer network. A person who commits child solicitation by use of a computer network when the person has a previous unrelated conviction of child solicitation by use of a computer network commits child solicitation, a Level 4 felony.

You may convict the Defendant on this additional count only if the State has proven beyond a reasonable doubt:

The Defendant had a previous unrelated conviction of child solicitation by use of a computer network before the defendant committed the offense charged in Count _____.

If the State failed to prove each of these elements beyond a reasonable doubt, you must find the Defendant not guilty of child solicitation, a Level 4 felony.

Comments

Phase I of principal charge—see Chapter 3, Instruction No. 3.4100.

Instruction No. 15.2640. Child Solicitation—Victim Fourteen to Fifteen.**I.C. 35-42-4-6.**

The State has filed an additional count alleging that at the time the Defendant committed the offense of solicitation of a child aged fourteen to fifteen by use of a computer network the Defendant had a previous unrelated conviction of solicitation of a child aged fourteen to fifteen by use of a computer network. A person who commits solicitation of a child aged fourteen to fifteen by use of a computer network when the person has a previous unrelated conviction of solicitation of a child aged fourteen to fifteen by use of a computer network commits child solicitation, a Level 4 felony.

You may convict the Defendant on this additional count only if the State has proven beyond a reasonable doubt:

The Defendant had a previous unrelated conviction of solicitation of a child aged fourteen to fifteen by use of a computer network before the defendant committed the offense charged in Count _____.

If the State failed to prove each of these elements beyond a reasonable doubt, you must find the Defendant not guilty of child solicitation, a Level 4 felony.

Comments

Phase I of principal charge—*see* Chapter 3, Instruction No. 3.4140.

Instruction No. 15.2800. Sex Offender Internet Offense—Second Offense.**I.C. 35-42-4-12.**

The State has filed an additional count alleging that at the time the Defendant committed the sex offender Internet offense the Defendant had a previous unrelated conviction of the sex offender Internet offense. A person who commits the sex offender Internet offense when the person has a previous unrelated conviction of the sex offender Internet offense commits the sex offender Internet offense, a Level 6 felony.

You may convict the Defendant on this additional count only if the State has proven beyond a reasonable doubt:

The Defendant had a previous unrelated conviction of the sex offender Internet offense before the defendant committed the offense charged in Count _____.

If the State failed to prove each of these elements beyond a reasonable doubt, you must find the Defendant not guilty of the sex offender Internet offense, a Level 6 felony.

Comments

Phase I of principal charge *see* Chapter 3, Instruction No. 3.7100.

Instruction No. 15.2900. Inappropriate Communication With a Child—Phase II.**I.C. 35-42-4-13.**

The State has filed an additional count alleging that the Defendant had a previous judgment or conviction for inappropriate communication with a child before the Defendant committed the offense charged in Count _____. A person who commits inappropriate communication with a child when the Defendant has a previous conviction of inappropriate communication with a child commits inappropriate communication with a child, a Level 6 felony.

You may convict the Defendant on this additional count, only if the State has proven beyond a reasonable doubt;

The Defendant had a previous conviction inappropriate communication with a child before the Defendant committed the offense charged in Count _____.

If the State failed to prove this beyond a reasonable doubt, you must find the Defendant not guilty of the crime of inappropriate communication with a child, a Level 6 felony.

Comments

Phase I of principal charge see Chapter 3, Instruction No. 3.7500.

Instruction No. 15.3000. Criminal Trespass—Phase II.**I.C. 35-43-2-2.**

The State has filed an additional count alleging that the Defendant had been convicted of criminal trespass concerning the same property before he/she committed Count _____. A person who commits criminal trespass when he/she has a prior conviction for criminal trespass concerning the same property commits a Level 6 felony.

You may convict the Defendant on this additional count, only if the State has proven beyond a reasonable doubt:

The Defendant had been convicted of criminal trespass concerning the same property before he/she committed Count _____.

If the State failed to prove this beyond a reasonable doubt, you must find the Defendant not guilty of criminal trespass, a Level 6 felony.

Comments

Phase I of principal charge—see Chapter 4, Instruction Nos. 4.1140 (Criminal Trespass—Entering Real Property), 4.1160 (Criminal Trespass—Refusing to Leave Real Property), 4.1180 (Criminal Trespass—Vehicles), 4.1300 (Criminal Trespass—Interfering with Possession of Property), 4.1320 (Criminal Trespass—Entering a Dwelling), and 4.1340 (Criminal Trespass—Train Travel Without Consent).

Instruction No. 15.3200. Dealing in Altered Property.**I.C. 35-43-4-2.3.**

The State has filed an additional count alleging that the Defendant had been convicted of a prior theft or conversion offense under IC 35-43-4 before the Defendant committed the offense charged in Count _____. A person who commits dealing in altered property when the person has a prior unrelated conviction of theft or conversion commits a Level 6 felony.

You may convict the Defendant on this additional count only if the State has proven beyond a reasonable doubt:

The Defendant had a prior unrelated conviction of theft or conversion before the Defendant committed the offense charged in Count _____.

If the State failed to prove this beyond a reasonable doubt, you must find the Defendant not guilty of the crime of dealing in altered property, a Level 6 felony.

Comments

Phase I of principal charge—see Chapter 4, Instruction No. 4.1620.

Instruction No. 15.3300. Fraud—Phase II**I.C. 35-44.13-1**

The State has filed an additional count alleging that within the last seven (7) years: Defendant had been convicted of _____ [list offense] (must be an offense under Title 35 Article 43)

[or] _____ was released from a term of incarceration, probation, or parole (whichever occurred last) imposed for a prior unrelated conviction for an offense _____ [list offense] (must be an offense under Title 35 Article 43)

before the Defendant committed the offense charged in Count _____.

A person who commits fraud when, within the last seven (7) years: has been convicted of _____ [list offense] (must be an offense under Title 35 Article 43) or was released from a term of incarceration, probation, or parole (whichever occurred last) imposed for a prior unrelated conviction for an offense _____ [list offense] (must be an offense under Title 35 Article 43)

commits a Level 6 felony.

You may convict the Defendant on this additional count only if the State has proven beyond a reasonable doubt:

The Defendant, within the last seven (7) years, has been convicted of _____ [list offense] before the Defendant committed the offense charged in Count _____.

[or]

The Defendant, within the last seven (7) years, was released from a term of incarceration, probation, or parole (whichever occurred last) imposed for a prior unrelated conviction for an offense _____ [list offense] (must be an offense under Title 35 Article 43), before the Defendant committed the offense charged in Count _____.

If the State failed to prove this beyond a reasonable doubt, you must find the Defendant not guilty of the crime of *fraud*, a Level 6 felony.

Comments

Phase I of principal charge—see Chapter 4, Instruction No. 4.3000.

**Instruction No. 15.3400. Home Improvement Fraud—Phase II—Class B
Misdemeanor Raised to Class A Misdemeanor.**

I.C. 35-43-6-13(a)(2).

The State has filed an additional count alleging that the Defendant had been convicted of a home improvement fraud offense before he/she committed the offense charged in Count _____. A person who commits home improvement fraud when he/she has a prior conviction [of home improvement fraud in Indiana under I.C. 35-43-6] or [in another jurisdiction for an offense that is substantially similar to an Indiana home improvement fraud offense described in I.C. 35-43-6] commits a Class A misdemeanor.

You may convict the Defendant on this additional count, only if the State has proven beyond a reasonable doubt:

The Defendant had been convicted:

[of a home improvement fraud offense under I.C. 35-43-6]

[or]

[in (name other jurisdiction) for (name the offense), an offense which the court instructs you was substantially similar to an Indiana home improvement fraud offense described in I.C. 35-43-6]

before he/she committed the offense charged in Count _____.

If the State failed to prove this beyond a reasonable doubt, you must find the Defendant not guilty of the crime of home improvement fraud, a Class A misdemeanor.

Comments

Phase I of principal charge *see* Chapter 4, Instruction Nos. 4.9300 through 4.4.9460.

The Committee has concluded that the “substantial similarity” issue about the other jurisdiction’s offense is one for the court to determine, by judicially noticing the offense’s definition and comparing it with the Indiana offense. *State v. Rans*, 739 N.E.2d 164 (Ind. Ct. App. 2000), *transfer denied* (whether Michigan DWVI offense was “substantially similar” to Indiana’s OWI crime was a question of statutory interpretation, “a question of law reserved for the courts”). In making the similarity determination, the court must look at the definition of the other jurisdiction’s offense in effect at the time of the Indiana battery charged in the current prosecution. *State v. Akins*, 824 N.E.2d 676 (Ind. 2005) (with Indiana OVWI “previous conviction of operating while intoxicated” definition as a conviction “in any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of the Indiana offense,” “the correct comparison is between the Michigan statute under which the defendant was convicted and the Indiana statute at the time of the Indiana offense,” not at the time the prior Michigan conviction was entered).

Instruction No. 15.3600. Insurance Fraud.**I.C. 35-43-5-4.5.**

The State has filed an additional count alleging that the Defendant had been convicted of insurance fraud before the Defendant committed the offense charged in Count _____. A person who commits insurance fraud when the person has a prior conviction of insurance fraud commits a Level 5 felony.

You may convict the Defendant on this additional count only if the State has proven beyond a reasonable doubt:

The Defendant had been convicted of insurance fraud before the Defendant committed the offense charged in Count _____.

If the State failed to prove this beyond a reasonable doubt, you must find the Defendant not guilty of the crime of insurance fraud, a Level 5 felony.

Comments

Phase I of principal charge—*see* Chapter 4, Instruction Nos. 4.3800 (Insurance Fraud—False Claim Statement), 4.3820 (Insurance Fraud—False Statement), 4.3840 (Insurance Fraud—Risks for Insolvent Insurer), 4.3860 (Insurance Fraud—Removal of Insurer's Assets), 4.3880 (Insurance Fraud—Concealment of Insurer's Assets), and 4.4000 (Insurance Fraud—Diversion of Funds).

Instruction No. 15.3700. Resisting Law Enforcement.**I.C. 35-44.1-3-1**

The State has filed an additional count alleging that Defendant has a prior conviction of resisting law enforcement involving the use of vehicle before the Defendant committed the offense charged in Count _____. A person who commits resisting law enforcement while using a vehicle when the person has a prior unrelated conviction of resisting law enforcement involving the use of a vehicle (under IC 35-44.1-3-1) commits a Level 5 felony.

You may convict the Defendant on this additional count only if the State has proven beyond a reasonable doubt:

The Defendant had a prior unrelated conviction of resisting law enforcement involving the use a vehicle before the Defendant committed the offense charged in Count _____.

If the State failed to prove this beyond a reasonable doubt, you must find the Defendant not guilty of the crime of resisting law enforcement, a Level 5 felony.

Comments

Phase I of principal charge—see Chapter 5, Instruction No. 5.3040(a) and 5.3070.

Instruction No. 15.3800. Theft.**I.C. 35-43-4-2.**

The State has filed an additional count alleging that the Defendant had been convicted of a prior conviction of theft or criminal conversion, robbery, or burglary before the Defendant committed the offense charged in Count _____. A person who commits theft when the person has a prior unrelated conviction of theft (under IC 35-43-4-2) or criminal conversion (under IC 35-43-4-3), robbery (under IC 35-42-5-1) or burglary (under IC 35-43-2-1) commits a Level 6 felony.

You may convict the Defendant on this additional count only if the State has proven beyond a reasonable doubt:

The Defendant had a prior unrelated conviction of [theft] or [criminal conversion] or [robbery] or [burglary] before the Defendant committed the offense charged in Count _____.

If the State failed to prove this beyond a reasonable doubt, you must find the Defendant not guilty of the crime of theft, a Level 6 felony.

Comments

Phase I of principal charge—see Chapter 4, Instruction No. 4.1600.

(Text continued on page 15-61)

TABLE OF CASES

[References are to sections]

A

Adkins v. State, 887 N.E.2d 934 (Ind. 2008) . . . 7.2700
 Akins; State v., 824 N.E.2d 676 (Ind. 2005) . . . 3.4900;
 14.2740; 14.3700; 14.3720; 14.3740; 14.3760;
 15.1800; 15.2200; 15.2240; 15.2245; 15.3400;
 15.4200; 15.4240; 15.4300; 15.6100; 15.6300;
 15.6350; 15.6500; 15.2240a; 15.6300a
 Albaugh v. State, 721 N.E.2d 1233 (Ind. 1999) . 10.1700
 Alexander, In re, 768 N.E.2d 892 (Ind. 2002) . . 3.7100
 Allman v. State, 728 N.E.2d 230 (Ind. Ct. App.
 2000) 7.4240
 Armstrong v. State, 742 N.E.2d 972 (Ind. Ct. App.
 2001) . . 4.1680; 4.2920, (a); 4.2960; 7.0540; 7.2500;
 7.2540; 7.2560; 7.2700; 7.3100; 7.3120; 7.3140;
 7.3160; 7.3180; 7.3200; 7.3220; 7.3240; 7.3400;
 7.3500; 7.5200; 7.5800; 7.5840; 14.1120; 14.1560;
 14.3460

B

Baird v. State, 604 N.E.2d 1170 (Ind. 1992) . . . 9.0080
 Baker v. State, 948 N.E.2d 1169 (Ind. 2011) . . 13.2700;
 13.3100; 13.3300
 Benefiel v. State, Ind., 578 N.E.2d 338 (1991) . 13.2100
 Bergmann v. State, 486 N.E.2d 653 (Ind. Ct. App.
 1985) 7.0380; 7.0760
 Bethel v. State, 730 N.E.2d 1242 (Ind. 2000) . . . 2.1800
 Blatchford v. State, 673 N.E.2d 781 (Ind. Ct. App.
 1996) . . . ; 3.3300; 3.3380; 3.3540; 3.4700; 7.0140;
 7.0340; 7.0740; 7.0780; 7.0940; 7.1240
 Bookwalter v. State, 22 N.E.3d 735 (Ind. Ct. App.
 2014) 8.6900
 Brantley v. State, 91 N.E.3d 566 (Ind. 2018) . . . 3.0540
 Brock v. State, 955 N.E.2d 195 (Ind. 2011) . . . 7.4800;
 7.4800a
 Brown v. State, 868 N.E.2d 464 (Ind. 2007) . . . 3.2500;
 3.2500a
 Bruton v. United States, 391 U.S. 123, 20 L. Ed. 2d 476,
 88 S. Ct. 1620 (1968) 12.0500
 Buelna v. State, 20 N.E.3d 137 (Ind. 2014) . . . 8.0400
 Burgin v. State, 431 N.E.2d 864 (Ind. Ct. App.
 1982) 6.2600; 8.1800; 8.2500; 8.2700; 8.3000;
 8.3300; 8.4100; 8.9600; 8.3000a

C

Campbell v. State, 19 N.E.3d 271 (Ind. Oct. 30,
 2014) 9.0120
 Carter v. Kentucky, 450 U.S. 288, 101 S.Ct. 1112, 67
 L.Ed.2d 241 (1981) 13.2300

Clay v. State, 766 N.E.2d 33 (Ind. Ct. App.
 2002) 2.0200; 2.0600
 Conner v. State, 626 N.E.2d 803 (Ind. 1993) . . . 8.1800
 Constitution. Davis v. State, 481 N.E.2d 434
 (1985) 7.0780
 Covington v. State, 842 N.E.2d 345 (Ind.
 2006) 15.0480; 16.1700
 Crain v. State, 736 N.E.2d 1223 (Ind. 2000) . . . 12.0300
 Crane v. Kentucky, 476 U.S. 683, 106 S. Ct. 2142, 90 L.
 Ed. 2d 636 (1986) 12.0300

D

D'Paffo v. State, 778 N.E.2d 798 (Ind. 2002) . . . 3.3300
 Davis v. Barber, 657 F. Supp. 469 (N.D. Ind.
 1987) 7.0780
 Day v. State, 251 Ind. 399, 241 N.E.2d 357
 (1968) 4.0480; 4.0500; 4.1140; 4.1180; 4.1300;
 4.1320; 4.1340
 Dora v. State, 783 N.E.2d 322 (Ind. Ct. App.
 2003) 5.3000; 5.3070; 5.3000a
 Downey; State v., 476 N.E.2d 121 (Ind. 1985) . . 7.0300;
 7.0300a
 Dozier v. State, 709 N.E.2d 27 (Ind. Ct. App.
 1999) 10.2100

E

English v. State, 603 N.E.2d 161 (1992) 7.3900;
 7.3940; 7.3980; 7.4200; 7.3900a; 7.3940a; 7.3980a;
 7.4200a

F

Fassoth v. State, 525 N.E.2d 318 (Ind. 1988) . . 14.3060
 Fields; State v., 679 N.E.2d 898 (Ind. 1997) . . . 7.4400;
 7.4500
 Figueroa; People v., 719 NE.2d 108, 308 Ill. App. 3d 93,
 241 Ill. Dec. 247 (Ill. App. 1st Dist. 1999) . . 13.2100
 Figueroa; State v., 151 Ariz. 213, 726 P.2d 629 (Ariz.
 App. 1986) 10.1300
 Fought v. State, 468 N.E.2d 247 (Ind. Ct. App.
 1984) 3.0800
 Fox v. State, 179 Ind. App. 267, 384 N.E.2d 1159
 (1979) 10.0400; 10.0800; 14.0980
 Frost v. State, 527 N.E.2d 228 (Ind. Ct. App.
 1988) 5.2100

[References are to sections]

G

- Gammons v. State, 148 N.E. 3d 301 (Ind. 2020) 10.0300
- García v. State, 936 N.E.2d 361 (Ind. Ct. App. 2010) 3.3380
- Garrett v. State, 756 N.E.2d 523 (Ind. Ct. App. 2001) 13.4100
- Garrett v. State, 964 N.E.2d 855 (Ind. Ct. App. 2012) 8.2500; 8.2700; 8.3000; 8.3300; 8.3000a
- Georgopolus v. State, 735 N.E.2d 1138 (Ind. Sept. 29, 2000) 11.1700
- Gilbert v. State, 426 N.E.2d 1333 (Ind. Ct. App. 1981) 4.0480; 4.0500; 8.1800; 8.2500; 8.2700; 8.3000; 8.3300; 8.4100; 8.4700; 8.9600; 8.3000a
- Gilchrist v. Kincheloe, 589 F.Supp. 291 (E.D. Wash. 1984) 10.1300
- Gilchrist v. Kincheloe, 774 F.2d 1173 (9th Cir. 1985) 10.1300
- Gilliam v. State, 563 N.E.2d 94 (Ind. 1990) 15.1260; 15.1265; 15.1280; 15.1285; 15.1290
- Glotzbach v. State, 783 N.E.2d 1221 (Ind. Ct. App. 2003) 6.0400
- Gravens v. State, 836 N.E.2d 490 (Ind. Ct. App. 2005) 10.1800
- Gray v. Maryland, 523 U.S. 185, 118 S.Ct. 1151, 140 L.Ed.2d 294, 118 S. Ct. 1151, 140 L. Ed. 2d 294 (1998) 12.0500
- Gregory v. State, 259 Ind. 652, 291 N.E.2d 67 (1973) 4.1100
- Gunn v. State, 174 Ind. App. 26, 365 N.E.2d 1234 (1977) 10.1900

H

- Hall v. State, 560 N.E.2d 561 (Ind. Ct. App. 1990) 4.1680; 7.4240
- Hampton v. State, 961 N.E.2d 480 (Ind. 2012) 13.1000
- Hardin v. State, 273 Ind. 459, 404 N.E.2d 1354 (1980) 14.3960
- Harris v. State, 716 N.E.2d 406 (Ind. 1999) 4.1680; 4.2920, (a); 4.2960; 6.3000; 7.0540; 7.1900; 7.2500; 7.2540; 7.2560; 7.2700; 7.3100; 7.3120; 7.3140; 7.3160; 7.3180; 7.3200; 7.3220; 7.3240; 7.3400; 7.3500; 7.5200; 7.5800; 7.5840; 14.1120; 14.1560; 14.3460
- Harvey v. State, 652 N.E.2d 876 (Ind. Ct. App. 1995) 10.0300; 10.0400; 10.0500; 10.0600; 10.0700; 10.0800; 10.0900
- Healthscript, Inc. v. State, 770 N.E.2d 810 (Ind. 2002) 4.5200; 4.5220; 4.5900
- Hines v. State, 801 N.E.2d 634 (Ind. 2004) 3.5050; 7.1650; 14.3700; 14.3720; 14.3740; 14.3760; 14.3780

- Hopkins v. State, 759 N.E.2d 633 (Ind. 2001) 2.1800
- Horan, 642 N.E.2d 1374 13.2300
- Hoskins v. State, 563 N.E.2d 571 (Ind. 1990) 10.1500

I

- Imel v. State, 830 N.E.2d 913 (Ind. Ct. App. 2005) 3.5050; 7.2740
- In re (see name of party)**

J

- Jackson v. State, 709 N.E.2d 326 (Ind. 1999) 3.0540
- Jackson, 889 N.E.2d 819 7.4400; 7.4600
- Johnson v. State, 87 N.E.3d 471 (Ind. December 21, 2017) 15.1260

K

- Keihn, State v., 542 N.E.2d 963 (Ind. 1989) 9.0140
- Keller v. State, 47 N.E.3d 1205 (Ind. 2016) 2.0400
- Kimbrough v. State, 911 N.E.2d 621 (Ind. Ct. App. 2009) 14.1040
- King v. State, 531 N.E.2d 1154 (Ind. 1988) 15.1600
- Knuckles v. State, 549 N.E.2d 85 (Ind. Ct. App. 1990) 15.1400

L

- Lacy v. State, 58 N.E.3d 944 (Ind. Ct. App. 2016) 4.2920, (a)
- Lechner v. State, 715 N.E.2d 1285 (Ind. Ct. App. 1999) 3.3300; 3.3340; 3.3380; 3.3500; 3.3520
- Lechner v. State, 726 N.E.2d 313 3.3300
- Lemert Engineering Co. v. Monroe Auto Equipment Co., 444 N.E.2d 859 (Ind. Ct. App. 1983) 4.4400
- Lewis v. State, 484 N.E.2d 77 (Ind. Ct. App. 1985) 6.3000; 7.1920; 7.1980; 7.1980a
- Louallen v. State, 778 N.E.2d 794 (Ind. 2002) 3.3300; 3.3340; 3.3500; 3.3520; 3.5200; 3.5240; 3.5400; 3.5240a
- Lucas, 499 N.E.2d 1090 13.2300
- Lynn v. State, 60 N.E.3d 1135 (Ind. Ct. App. 2016) 1.0700

M

- Mann v. State, 754 N.E.2d 544 (Ind. Ct. App. 2001) 7.2740
- Martin v. Ohio, 480 U.S. 228, 107 S. Ct. 1098, 94 L. Ed. 2d 267 (1987) 3.4700
- Mayes v. State, 744 N.E.2d 390 (Ind. 2001) 10.0300; 10.0400; 10.0500; 10.0600; 10.0700; 10.0800; 10.0900
- McClain v. State, 678 N.E.2d 104 (Ind. 1997) 9.0080

[References are to sections]

McCollum v. State, 582 N.E.2d 804 (Ind. 1991). 8.4700;
15.1240; 15.1260; 15.1265; 15.1280; 15.1285;
15.1290; 15.1800; 15.2200; 15.2240; 15.2245;
15.2240a

McCowan v. State, 27 N.E.3d 760 (Ind. 2014). 1.1300;
1.1700; 13.0900

McKeller, 620 N.E.2d 744 (1993). 7.1920; 7.1980;
7.1980a

McKinney v. State, 653 N.E.2d 115 (Ind. Ct. App.
1995). 14.0450

McKinney, 553 N.E.2d 860 (Ind. Ct. App.
1990). 9.0020; 9.0040; 9.0060

Micinski v. State, 487 N.E.2d 150 (Ind. 1986). 7.3700;
7.3740

Moon v. State, 823 N.E.2d 710 (Ind. Ct. App. 2005). 3.4700;
7.5200; 7.5600; 7.5640; 7.5680; 7.6140

Mordacq v. State, 585 N.E.2d 22 (Ind. Ct. App.
1992). 7.4240

Morgan v. State, 648 N.E.2d 1164 (Ind. Ct. App.
1995). 12.0300

Morgan v. State, 675 N.E.2d 1067 (Ind. 1996). 12.0300

N

Neese v. State, 994 N.E.2d 336 (Ind. Ct. App.
2013). 4.4400; 8.7650

Nelson v. O'Neil, 402 U.S. 622, 91 S.Ct. 1723, 29
L.Ed.2d 222 (1971). 12.0500

New v. State, 135 N.E.3d 619 (Ind. App. 2019). 3.2100;
3.2100a

O

Old Chief v. United States, 519 U.S. 172, 117 S. Ct. 644,
136 L. Ed. 2d 574 (1997). 3.5050; 14.3700; 14.3720;
14.3740; 14.3760; 14.3780

P

Patterson v. New York, 432 U.S. 197, 97 S. Ct. 2319, 53
L. Ed. 2d 281 (1977). 3.3300; 3.3380; 3.3540;
7.0140; 7.0340; 7.0740; 7.1240

People v. (see name of defendant)

Pollard v. State, 270 Ind. 599, 388 N.E.2d 496
(1979). 9.0040

Priest v. State, 270 Ind. 449, 386 N.E.2d 686
(1979). 13.2300

Pruitt v. State, 834 N.E.2d 90 (Ind. 2005). 15.0240

R

Rans; State v., 739 N.E.2d 164 (Ind. Ct. App.
2000). 14.3700; 14.3720; 14.3740; 14.3760; 14.3780;
15.1800; 15.2200; 15.2240; 15.2245; 15.3400;
15.4200; 15.4240; 15.4300; 15.6100; 15.6300;
15.6350; 15.6500; 15.2240a; 15.6300a

Richardson v. Marsh, 481 U.S. 200, 107 S.Ct. 1702, 95
L.Ed.2d 176 (1987). 12.0500

Richeson v. State, 704 N.E.2d 1008 (Ind. 1998). 2.0100;
2.0200; 2.0400; 2.0600

Rigsby v. State, 582 N.E.2d 910 (Ind. Ct. App.
1991). 3.5700; 3.5750; 14.1610

Ring v. Arizona, U.S., 536 U.S. 584, 122 S. Ct. 2428, 153
L. Ed. 2d 556 (2002). 15.0680

Ritchie v. State, 809 N.E.2d 258 (Ind. 2004). 15.0240

Rosales v. State, 23 N.E.3d 8 (Ind. 2015). 2.1800

Russell v. State, 395 N.E.2d 791, 182 Ind. App. 386 (Ind.
Ct. App. 1979). 3.4900; 4.0465; 7.2740; 7.3980;
7.3980a; 8.0100; 8.0150; 8.0200; 8.0300; 8.0400;
8.0800; 8.1000; 8.1200; 8.2500; 8.3000; 8.3300;
8.3900; 8.4500; 8.4700; 8.5000; 8.5200; 8.5400;
8.6000; 8.6200; 8.6700; 8.6900; 8.7100; 8.7600;
8.7800; 8.8000; 8.8600; 8.8800; 8.9300; 8.9400;
8.9600; 8.0800a; 8.1000a; 8.1200a; 8.3000a;
14.2740; 14.3700; 14.3720; 14.3740; 14.3760;
15.1290; 15.2500

Russell v. State, 997 N.E.2d 351 (Ind. 2013). 3.5050;
7.2740; 8.4700

S

Sanchez v. State, 749 N.E.2d 509 (Ind. 2001). 10.1400

Sangslund v. State, 715 N.E.2d 875 (Ind. Ct. App.
1999). 10.2000

Seay v. State, 698 N.E.2d 732 (Ind. 1998). 16.1100;
16.1200

Shanabarger v. State, 846 N.E.2d 702 (Ind. Ct. App.
2006). 12.0300

Shelton v. State, 602 N.E.2d 1017 (Ind. 1992). 8.0100;
8.0150; 8.0300; 8.0400; 8.0800; 8.1000; 8.1200;
8.0800a; 8.1000a; 8.1200a

Shelton v. State, 679 N.E.2d 499 (Ind. Ct. App.
1997). 3.5055; 6.3600; 6.3640

[References are to sections]

Shelton v. State, 692 N.E.2d 947 (Ind. Ct. App. 1998) 7.1960

Shoultz v. State, 735 N.E.2d 818 (Ind. Ct. App. 2000) 5.3000; 5.3070; 5.3000a

Shouse v. State, 849 N.E.2d 650 (Ind. Ct. App. 2006) . 15.1240; 15.1260; 15.1265; 15.1280; 15.1285; 15.1290; 15.1800

Smith v. State, 459 N.E.2d 355 (Ind. 1984) . . . 2.0100; 2.0200; 2.0400; 2.0800; 3.0140

Spearman v. State, 744 N.E.2d 545 (Ind. Ct. App. 2001) . . . 3.5050; 5.4800; 5.4900; 5.5000; 5.5100; 5.5400; 5.5500; 5.5600; 5.6400; 7.1650; 7.2740; 7.3120; 14.2740; 14.3625; 14.3700; 14.3720; 14.3740; 14.3760; 14.3780

Spradlin v. State, 569 N.E.2d 948 (Ind. 1991) . . 2.0200; 2.0600

Springer v. State, 779 N.E.2d 555 (Ind. Ct. App. 2002) 10.1900

Springer v. State, 798 N.E.2d 431 (Ind. 2003) . 10.1900

State v. (see name of defendant)

Suggs v. State, 51 N.E.3d 1190 (Ind. 2016) . . . 14.1605

T

T.M. v. State, 804 N.E.2d 773 (Ind. Ct. App. 2004) 3.3380

Thompson v. State, 646 N.E.2d 687 (Ind. Ct. App. 1995) 4.1680; 7.4240

Toops v. State, 643 N.E.2d 387 (Ind. Ct. App. 1994) 10.2100

Tyson v. State, 619 N.E.2d 276 (Ind. Ct. App. 1993) 3.5055; 6.3600; 6.3640

W

Walker v. State, 668 N.E.2d 243 (Ind. 1996) . . 8.0100; 8.0150; 8.0300; 8.0400; 8.0800; 8.1000; 8.1200; 8.2500; 8.2700; 8.3000; 8.0800a; 8.1000a; 8.1200a; 8.3000a

Ward v. State, 438 N.E.2d 750 (Ind. 1982) . . . 3.3300; 3.3380; 3.3540; 7.0140; 7.0340; 7.0740; 7.1240; 10.1300

Warren v. State, 701 N.E.2d 902 (Ind. Ct. App. 1998) 3.3500; 3.3520; 3.5400

Washington v. State, 517 N.E.2d 77 (Ind. 1987) . 2.0100; 2.0400; 2.0800; 7.1920; 7.1980; 7.1980a

White v. State, 547 N.E.2d 831 (Ind. 1989) . . . 7.0300; 7.0300a

Williams v. State, 737 N.E.2d 734 (Ind. 2000) . . 2.1800

Williams v. State, 834 N.E.2d 225 (Ind. Ct. App. 2005) 3.5050; 7.1650; 7.2740; 8.4700

Willis v. State, 888 N.E.2d 177 (Ind. 2008) . . . 10.0200

Wilson v. State, 4 N.E.3d 670 (Ind. Ct. App. 2014) 8.7650

Wilson v. State, 770 N.E.2d 799 (Ind. 2002) . . 10.0300; 10.0400; 10.0500; 10.0600; 10.0700; 10.0800; 10.0900; 10.1000

Winegeart v. State, 665 N.E.2d 893 (Ind. 1996) . 1.1500; 13.1000

Wolfe v. State, 426 N.E.2d 647 (Ind. 1981) . . . 3.5055; 6.3600; 6.3640

Wright v. State, 658 N.E.2d 563 (Ind. 1995) . . 13.4100

Wrinkles v. State, 690 N.E.2d 1156 (Ind. 1977) . 10.1900

Y

Young v. State, 846 N.E.2d 1060 (Ind. Ct. App. 2006) 14.0450

TABLE OF STATUTES

[References are to sections]

INDIANA

Indiana Code

Sec.	Text Sec.
1-1-2-4.	14.3120
4-13-16.5-1.	14.1160; 14.2860; 14.3380
4-13.5.	14.2960
4-30.	6.1160; 6.1200; 6.1240
4-31.	6.1160; 6.1200; 6.1240
4-33-4.5.	14.2440; 14.3050; 14.3340
4-33-20.	14.2440; 14.3050; 14.3340
4-33-22.	6.4400
4-33-22-2.	6.4400
5-2-12-4.	5.4900
5-13-4-20.	5.7400
5-16-6-5.	4.2900
5-16-6-5-1.	4.2900; 4.3000; 14.1160
5-16-6-5-2.	4.2900; 4.3000; 14.3270
5-16-6-5-3.	4.2900; 4.3000; 14.4500
5-20-1-4.	6.2600
5-42-5-2.	7.2740; 7.2745
6-1-1-10.	3.4180; 3.4220; 3.4260; 3.4300; 3.4340; 3.4380; 3.4600
6-1-1-20.6-1.	14.1600
6-2-5-1-16.	14.2300; 14.4020
6-2-5-1-20.	14.2300; 14.4020
6-2-5-1-28.	14.2300
6-7-2-5.	4.2920, (a); 4.2960
7-1-1-3-4.	14.4020
7-1-1-3-5.	4.2920, (a); 4.2960; 7.5000; 14.0180
7-1-1-3-25.	7.5000; 14.2620
7-1-5-7-8.	7.1040; 7.5000; 14.2620
7-1-5-10-5.	8.7600
8-15-2.	7.7400
8-15-3.	7.7400
8-15.5.	7.7400
8-15.7.	7.7400
8-16.	7.7400
8-21-1-1.	6.0060
9-4-1-54.	14.3120
9-4-13-14.	7.4800; 7.4800a
9-11-2.	14.3120; 15.1290
9-12-2.	7.4400; 7.4700
9-12-3-1.	7.4800; 7.4800a

Indiana Code—Cont.

Sec.	Text Sec.
9-13-2-1.7.	3.2100; 3.2100a
9-13-2-2.4.	7.3800; 7.3800a
9-13-2-18.8.	7.3940a; 7.3980a; 7.4200a
9-13-2-34.	4.1640; 14.0660
9-13-2-48.	4.2620
9-13-2-49.1.	7.1040
9-13-2-49.7.	7.3700; 7.3740; 14.1520
9-13-2-86.	7.3800; 7.4240; 7.3800a; 14.2300
9-13-2-130.	14.3120; 15.6100
9-13-2-165.	7.3940a; 7.3980a; 7.4200a
9-13-2-196.	7.3940a; 7.3980a; 7.4200a
9-13-2-196(f).	3.2500; 3.2540; 3.2500a; 3.2540a; 7.3700; 7.3740; 7.3900; 7.3940; 7.3980; 7.4200; 7.3900a; 7.4800a; 14.4440
9-19-5-2.	3.2100; 14.0142
9-21-3.5.	7.7400
9-21-5.	3.2100; 14.0142
9-21-8-6.	3.2100; 14.0142
9-21-8-14.	3.2100; 14.0142
9-21-8-24.	3.2100; 14.0142
9-21-8-26.	3.2100; 14.0142
9-21-8-29.	3.2100; 14.0142
9-21-8-34.	3.2100; 14.0142
9-21-8-41.	3.2100; 14.0142
9-21-8-55.	3.2100; 3.2100a; 14.0142
9-21-8-56(b)(h).	7.4900
9-21-8-56(e)(h).	7.4950
9-24-6-15.	15.1290
9-24-15.	4.2620
9-24-16.	5.6400
9-26-1-1.	7.3700
9-26-1-1(1).	7.3700
9-26-1-1(2).	7.3700
9-26-1-1.1.	7.3740; 15.6800
9-26-1-8.	7.3700; 15.6800
9-30-5.	7.4240; 15.1290
9-30-5-1.	3.0800; 15.6100
9-30-5-1 to 9-30-5-9.	14.3120
9-30-5-1(a).	7.3900; 7.3900a
9-30-5-1(b).	7.3940; 7.3940a
9-30-5-1(c).	7.3980; 7.3980a
9-30-5-2.	15.6100
9-30-5-2(a).	7.4200; 7.4200a

[References are to sections]

Indiana Code—Cont.

Sec.	Text Sec.
9-30-5-2(b)	7.4200; 7.4200a
9-30-5-3	7.3900; 7.3900a
9-30-5-3(2)	7.3980; 7.4200
9-30-5-3(a)(1)	7.4200a
9-30-5-3(a)(2)	7.3940; 7.3940a; 7.3980a; 7.4200a
9-30-5-4	7.3900; 7.3980; 7.4200; 7.3900a; 7.3940a; 7.3980a; 7.4200a; 15.6300; 15.6500; 15.6550; 15.6300a
9-30-5-4(a)	7.3940a; 7.4200a
9-30-5-4(a)(2)	7.3980a
9-30-5-5	3.0800; 7.3900; 7.3980; 7.4200; 7.3900a; 7.3940a; 7.3980a; 7.4200a; 15.6350; 15.6500; 15.6550
9-30-5-5(a)	7.3940a; 7.3980a; 7.4200a
9-30-5-5(b)	7.3940; 7.4280a
9-30-5-5(c)	7.4280
9-30-10	7.3900; 7.3940; 7.3980; 7.4200; 7.4400; 7.4700; 7.4800a; 15.6550
9-30-10-4(a)	7.3700; 7.3740
9-30-10-5	7.4500
9-30-10-6	7.4500
9-30-10-8	7.4500
9-30-10-16	7.4400; 7.4600; 7.4700; 7.4800; 7.4800a
9-30-10-16(a)(1)	7.4400
9-30-10-17	7.4800; 7.4800a
9-30-14	7.4240
9-30-15-1	15.1290
9-30-15-2	15.1290
10-13-6-2	7.7500; 14.1330
10-13-6-22	7.7500
11-8-8	3.5000; 5.5500; 14.3625; 15.4640
11-8-8-4.5	7.1650
11-8-8-5	3.7100; 3.7150; 4.0440; 5.4800; 5.4900; 5.5000; 5.5100; 5.5400; 5.5500; 5.5600; 5.5900; 5.6400
11-8-8-5.2	3.6900
11-8-8-8	5.5400
11-8-8-15	5.6400; 15.4640
11-8-8-17	5.4800; 5.4900; 5.5000; 5.5100; 5.5400; 5.5500; 5.5600; 15.4600
11-10-9	5.4300
11-10-10	5.4300
11-10-11.5	14.2180
12-7-2-28.4	7.0700
12-7-2-28.6	7.0700
12-7-2-73	8.0800a; 8.1000a; 8.1200a; 8.3000a

Indiana Code—Cont.

Sec.	Text Sec.
12-10-3-2	3.1360; 3.1900; 3.1900a; 8.7400; 14.1460; 14.1480; 15.5800
12-10-3-2(a)	4.3000
12-15	4.5200; 4.5220; 4.5900
12-17.2	14.3560
12-17.4	14.3560
12-17.6	4.5900; 4.5920
12-23-1-6	8.0800a; 8.1000a; 8.1200a; 8.3000a
12-23-14	8.0800a; 8.1000a; 8.1200a; 8.3000a
12-32-1	5.6600
12-32-1-2	5.6600; 14.1640
12-32-1-3	5.6600; 14.3920
12-32-1-7	5.6600
13-11-2-259	4.0680
13-11-2-264	4.0680
13-14-1-15	14.2923
14-1-5	7.3800; 7.3800a
14-2-7	7.1980; 7.2020; 7.1980a
14-8-2-202.5	7.3800; 7.3800a
14-8-2-305	7.3800; 7.3800a
14-15-8-8	7.3800a
14-21-1-3	4.0480
14-34	7.3100; 7.3120; 7.3140; 7.3180; 7.3200; 7.3220; 7.3240; 7.3400; 14.3460
15-5-12-3	15.8200
16-1-28-3	14.0760; 14.2400
16-6-8	8.9600
16-18-2-56.5	7.6700
16-18-2-128.5	7.6800
16-18-2-162	3.5450
16-18-2-163(a)	5.6800; 5.6900
16-18-2-199	8.6900; 8.7100; 8.7600; 14.2300; 14.2470; 14.3100; 14.4020
16-18-2-282	3.5450
16-34	3.0180; 3.0500; 3.0700; 3.0800
16-41-7	6.5000
16-41-10-1	7.0340; 7.0300a; 14.1440
16-41-12-3	6.4700
16-41-14-2	6.4700
16-42-19	8.9600; 14.3081
16-42-19-2	14.1360
16-42-19-2(1)	3.6900
16-42-19-5	8.7100; 8.9300
16-42-19-13	8.6900
16-42-19-17	8.6900

[References are to sections]

Indiana Code—Cont.

Sec.	Text Sec.
16-42-19-18.	8.7100
16-42-19-27.	8.7100
20-9.1-1-3.	14.3560
20-26-16.	14.2440
20-26-18.2-1.	14.2440
20-27-2-8.	14.3540
20-27-2-10.	7.3500; 14.3540; 14.3880
20-27-9-5.	14.3880
20-33-10-2.	14.2600
20-47-2.	14.3270
20-47-3.	14.3270
22-11-14-1.	7.3100; 7.3120; 7.3140; 7.3160; 7.3180; 7.3200; 7.3220; 7.3240; 7.3400
22-11-18-1.	14.1600
22-11-20-1.	8.3900; 8.4500
23-14.	4.0480; 4.0500
24-2-3-2.	4.0920
24-4-4.4.	14.1700
24-4.5.	14.1700
24-4.5-3.	6.1700
24-4.5-3-508(2)(a)(i).	6.1700
25-22-22.5.	7.6800
25-22.5.	4.2840; 7.6900; 14.3081
25-23-1-19.5.	14.3081
25-23-6-8.5.	14.2580
25-24-3.	14.3081
25-27.5.	14.3081
25-27.5-5-6.	14.3081
25-31.5-2-133.	15.5180
25-37.5-1.	4.1650
25-37.5-1-1.	4.1600; 14.4400
25-37.5-1-7.	4.1650
25-37.55-1-1.	4.1600
26-1-2.1-309.	14.0995
27-1-2-3(x).	14.2280
27-1-15.5-3(a)(4).	14.4180
27-1-25.	14.2260
27-7-3-6.	14.4220
27-13-1-19.	14.2260
27-13-1-27.	14.2260
31-1-11.5.	6.2800
31-1-11.5-8.2.	3.4700; 7.1600
31-3-4-3.	14.0100
31-6-4.	6.2800
31-6-4-15.4.	3.4700; 7.1600
31-6-4-15.9.	3.4700; 7.1600

Indiana Code—Cont.

Sec.	Text Sec.
31-6-7.	6.2800
31-6-7-14.	3.4700; 7.1600
31-9-2-13.	14.0542; 14.1790
31-9-2-43.5.	14.1440
31-9-2-46.9.	14.1790
31-9-2-71.	3.1240; 14.3310
31-9-2-114.	14.2340
31-9-2-115.	14.3760
31-9-2-117.	14.2340
31-14-16-1.	3.4700; 6.2800; 7.1600
31-15.	6.2800
31-15-5.	3.4700; 7.1600
31-16-5.	3.4700; 7.1600
31-27.	7.1240; 7.1250
31-31.5-2-231.	6.0800; 6.0840; 14.2940
31-32.	6.2800
31-32-13.	3.4700; 7.1600
31-34.	6.2800
31-34-2.5.	7.0300a
31-34-2.5-1.	14.1440
31-34-2.5-1(a)(1)(B).	7.0300a
31-34-2.5-1(a)(1)(D).	7.0300a
31-34-2.5 to (a)(1)(C).	7.0300a
31-34-20-1.	3.4700; 7.1600
31-34-25.	3.4700
31-37.	6.2800
31-37-1.	7.1000
31-37-1-2.	7.1080
31-37-2.	7.1000
31-37-5-6.	3.4700; 7.1600
31-37-19-1.	3.4700; 7.1600
31-37-25.	3.4700
32-20-6-1.	14.0145
32-24-1-5.9(a).	4.1140; 4.1160; 4.1180; 4.1300; 4.1600
32-30-6.	14.1080
32-30-6-1.	4.0460
32-30-7.	14.1080
32-30-8.	14.1080
32-30-10.6.	14.0025
33-23-16.	8.0800a; 8.1000a; 8.1200a; 8.3000a
34-4-5.1.	3.4700; 6.2800; 7.1600
34-4-5.1-5.	3.4700; 7.1600
34-24-5-1.	4.3000; 14.2150
34-26-2.	3.4700; 6.2800; 7.1600
34-26-5.	3.4700; 6.2800; 7.1600

[References are to sections]

Indiana Code—Cont.

Sec.	Text Sec.
34-26-6	3.4700; 6.2800; 7.1600
34-31.5-2-86	3.1900; 3.1900a
34-36-51	6.2800
34-47-2-7	7.1960a; 7.1980a
35-047-2-22	7.2320
35-1-58.5	3.0180; 3.0500; 3.0700; 3.0800
35-3-4	14.0100
35-3.5-2-103	7.6100; 14.1340
35-3.15-2-104	3.2900; 3.3300; 3.3340; 3.3500; 3.3520; 3.3900; 3.3940; 3.5400; 14.1360
35-4.1-2-2	5.1685
35-4.1-4-9	14.1435
35-31.5	7.3900a
35-31.5-1-178.5	8.7600; 14.2345; 14.2347
35-31.5-2-1	14.0020
35-31.5-2-2	4.1360; 14.0040
35-31.5-2-4	14.0060; 14.1200; 14.1260
35-31.5-2-6	3.5200; 14.0080
35-31.5-2-7	3.5200; 14.0100
35-31.5-2-8	7.2020; 7.2080; 14.0120
35-31.5-2-11	5.6600; 14.0140
35-31.5-2-14	7.2000; 14.0160
35-31.5-2-15	5.6800; 5.6900; 14.0200
35-31.5-2-18	7.5300; 7.5340; 7.5380; 7.5420; 7.5460; 14.0240; 15.8740
35-31.5-2-19	7.5340; 7.5420; 14.0260
35-31.5-2-26	14.0400
35-31.5-2-29	3.1200; 3.1240; 3.1280; 3.1320; 3.1360; 3.1400; 3.1900; 3.2140; 3.2500; 3.2540; 3.5700; 3.5750; 3.6100; 3.1900a; 3.2500a; 3.2540a; 4.0020; 4.0040; 4.0060; 4.0080; 4.0100; 4.1100; 4.9740; 5.3000; 5.3040; 5.3070; 5.3400; 5.3600; 5.4400; 5.3000a; 5.3040a; 6.2600; 6.5400; 7.3500; 10.0300; 10.0400; 10.0500; 10.0600; 10.0700; 10.0800; 10.0900; 14.0420
35-31.5-2-32	7.3400; 14.0440
35-31.5-2-33	6.0800; 6.0840; 14.0480
35-31.5-2-34	4.3360; 14.0500
35-31.5-2-34.5	3.2100a; 7.0300a; 7.3800a; 7.3940a; 7.3980a; 7.4200a; 7.4800a; 14.0510
35-31.5-2-38	7.1000; 7.1040; 7.2060; 7.2080; 8.0100; 8.0150; 8.0300; 8.0400; 8.0800; 8.1000; 8.1200; 8.2500; 8.2700; 8.3000; 8.0800a; 8.1000a; 8.1200a; 8.3000a; 14.0540
35-31.5-2-40	3.5200; 14.0560
35-31.5-2-42	4.3800
35-31.5-2-44.8	8.0100; 8.0150; 8.2500; 14.0600; 15.5200

Indiana Code—Cont.

Sec.	Text Sec.
35-31.5-2-46	4.2780
35-31.5-2-47.5	6.0200; 14.0640
35-31.5-2-53	3.4100; 3.4140; 3.7500; 4.1360; 14.0680
35-31.5-2-54	14.0700
35-31.5-2-57	14.0720
35-31.5-2-59	4.9300; 4.9320; 4.9340; 4.9360; 4.9380; 4.9400; 4.9420; 4.9440; 4.9460; 4.9480; 14.0740; 14.2080; 14.2100; 14.2120
35-31.5-2-60	5.1900; 6.2000; 6.2040; 14.0760
35-31.5-2-64	3.2900; 3.3300; 3.3340; 3.3500; 3.3520; 3.3900; 3.3940; 3.5400; 4.0465; 5.3900; 8.0200; 8.0800; 8.1000; 8.1200; 8.1800; 8.1900; 8.2500; 8.3900; 8.7400; 8.7600; 8.7800; 8.8000; 8.8600; 8.8800; 8.0800a; 8.1000a; 8.1200a; 8.3000a; 14.0060; 14.0780; 14.0860; 14.1200; 14.1260; 15.5280; 15.5600; 15.5720
35-31.5-2-65	14.1360
35-31.5-2-67	14.0800
35-31.5-2-67.2	14.0820
35-31.5-2-68	8.2200; 8.9200; 14.0860
35-31.5-2-69	4.3100; 4.3120; 4.3140; 4.3160; 4.3180; 4.3320
35-31.5-2-70	4.3100; 4.3120; 4.3140; 4.3320
35-31.5-2-71	4.2660; 4.2700; 4.4400; 14.0920
35-31.5-2-74	5.2100; 6.2300; 6.2340; 6.2380; 14.0960; 15.1940
35-31.5-2-75	14.0940
35-31.5-2-76	14.1350
35-31.5-2-78	14.0945; 14.1350
35-31.5-2-80	3.5200; 14.0990
35-31.5-2-84	14.1000
35-31.5-2-85	3.2900; 3.3300; 3.3340; 3.3500; 3.3520; 3.3900; 3.3940; 3.5400; 10.0300; 10.0400; 10.0500; 10.0600; 10.1000; 10.1200; 14.1020
35-31.5-2-86	3.1200; 3.2100; 3.2140; 3.2500; 3.2540; 3.2700; 3.2900; 3.3300; 3.3340; 3.3500; 3.3520; 3.3900; 3.3940; 3.5400; 3.5700; 3.5750; 3.2100a; 3.2500a; 3.2540a; 4.1100; 5.2100; 5.3000; 5.3040; 5.3070; 5.3400; 5.3600; 5.3900; 5.4200; 5.4400; 5.3000a; 5.3040a; 6.0200; 6.2800; 7.2580; 14.1040
35-31.5-2-89	8.0100; 8.0150; 8.0300; 8.0400; 8.0800; 8.1000; 8.1200; 8.1800; 8.1900; 8.2200; 8.2500; 8.2700; 8.3000; 8.5200; 8.5700; 8.6000; 8.6200; 8.0800a; 8.1000a; 8.1200a; 8.3000a; 14.1060; 14.1200
35-31.5-2-90	7.0300; 7.0500; 7.0720; 7.1400; 7.1440; 7.1460; 7.1480; 7.0300a; 14.1100; 15.4000
35-31.5-2-92	7.3100; 7.3160; 7.3180; 7.3200; 7.3220; 14.1120; 14.2040

[References are to sections]

Indiana Code—Cont.

Sec.	Text Sec.
35-31.5-2-93	7.3160; 7.3180; 14.1140; 14.2040
35-31.5-2-95	14.1180
35-31.5-2-96	8.7800; 8.8000; 14.1200; 14.1220; 14.1260
35-31.5-2-97	14.0860; 14.1220
35-31.5-2-98	3.4180; 3.4220; 3.4260; 3.4340; 7.7500; 14.1240
35-31.5-2-100	7.3100; 7.3120; 7.3140; 7.3160; 8.7800; 8.8000; 8.8600; 8.8800; 14.1260; 14.1280; 14.1300
35-31.5-2-100(a)	14.1290
35-31.5-2-101	14.0860; 14.1300
35-31.5-2-104	8.0100; 8.0150; 8.0300; 8.0400; 8.0800; 8.1000; 8.1200; 8.2500; 8.2700; 8.3000; 8.7400; 8.9200; 8.0800a; 8.1000a; 8.1200a; 8.3000a
35-31.5-2-105	7.2000; 14.1380
35-31.5-2-107	4.0020; 4.1100; 4.1120; 4.1320; 6.0800; 6.0820; 10.0400; 10.0500; 14.1400
35-31.5-2-114	14.1420
35-31.5-2-116	7.1400; 7.1440; 7.1460; 7.1480; 7.1600; 8.7400
35-31.5-2-118	6.1500; 14.1500
35-31.5-2-124	4.1600; 4.1900; 4.1920; 14.1540
35-31.5-2-125	7.3160; 7.3220; 14.1560
35-31.5-2-127	3.4900; 14.1600
35-31.5-2-128	3.1900; 3.1900a; 14.1350; 14.1605; 15.2245
35-31.5-2-129	14.1620
35-31.5-2-130	14.1660
35-31.5-2-132.5	14.1700
35-31.5-2-133.3.2100; 3.2100a; 5.3200; 7.1940; 7.2020; 7.2040; 7.2060; 7.2080; 7.2300; 7.2380; 7.2580; 7.2700; 7.2740; 7.2745; 7.1980a; 8.0100; 8.0150; 8.0300; 8.0400; 8.0800; 8.1000; 8.1200; 8.2500; 8.2700; 8.3000; 8.3700; 8.3900; 8.4100; 8.0800a; 8.1000a; 8.1200a; 8.3000a; 15.5170; 15.5185	
35-31.5-2-133(a)	7.2750; 7.2755; 14.1720
35-31.5-2-135.2	14.1760
35-31.5-2-138	6.0200; 10.1200; 14.1780
35-31.5-2-139	3.1400
35-31.5-2-139.3	3.1400; 14.1790
35-31.5-2-139.5	6.3600; 6.3640; 14.1800
35-31.5-2-140	14.1820
35-31.5-2-141	6.1000; 6.1080; 6.1120; 6.1200; 6.1240; 14.1840
35-31.5-2-142	6.1160; 14.1860
35-31.5-2-143	6.1200; 6.1240; 14.1880
35-31.5-2-144	4.2700; 4.2880; 5.0800; 5.0840; 5.0860; 5.1000; 14.1900

Indiana Code—Cont.

Sec.	Text Sec.
35-31.5-2-148	14.1940; 15.5170
35-31.5-2-149	14.1980
35-31.5-2-150	6.2800; 6.2850; 14.2000
35-31.5-2-151	14.2020
35-31.5-2-152.5	3.1200; 3.1240; 3.1280; 3.1320; 3.1360; 3.1700; 3.1740; 6.4000; 6.4040; 6.4700
35-31.5-2-154	7.3180; 14.2040
35-31.5-2-156	14.2060; 14.2080; 14.2100
35-31.5-2-157	4.9300; 4.9320; 4.9340; 4.9360; 4.9380; 4.9400; 4.9420; 4.9440; 4.9460; 4.9480; 14.0740; 14.2080; 14.2100; 14.2120; 14.4320
35-31.5-2-158	4.9300; 4.9320; 4.9340; 4.9360; 4.9380; 4.9400; 4.9420; 4.9440; 4.9460; 14.2100; 14.4320
35-31.5-2-159	4.9300; 4.9320; 4.9340; 4.9360; 4.9380; 4.9400; 4.9420; 4.9440; 4.9460; 4.9480; 14.2080; 14.2120
35-31.5-2-160	3.0100; 3.0140; 3.0300; 3.0500; 3.0540; 3.1000; 14.2140
35-31.5-2-165.8	14.2000
35-31.5-2-166	14.2180
35-31.5-2-167	14.2200
35-31.5-2-168(2)	2.0400
35-31.5-2-173	3.7100; 14.2240
35-31.5-2-174	4.3800; 4.3820; 4.3840; 4.3860; 4.4000
35-31.5-2-176.2	14.2290
35-31.5-2-178	5.3900; 5.4200; 14.2340
35-31.5-2-179	4.1140; 4.1160; 4.1180; 4.1300; 4.1600; 14.2360
35-31.5-2-180	7.3500; 14.2380
35-31.5-2-181	6.2040
35-31.5-2-184	7.4280; 7.5600; 7.4280a; 14.2420
35-31.5-2-185	4.1143; 5.1685; 5.2320; 5.3000; 5.3040; 5.3070; 5.3000a; 5.3040a; 10.1200; 14.2440
35-31.5-2-186	3.2500; 3.2540; 3.2500a; 3.2540a; 5.2600; 5.3400; 5.3600; 5.6200; 14.2460
35-31.5-2-190	7.2540; 7.2560; 14.2480; 15.5170
35-31.5-2-191	4.2400; 4.2430; 4.2600; (a)
35-31.5-2-192	8.0100; 8.0150; 8.0300; 8.0400; 8.0800; 8.1000; 8.1200; 8.1800; 8.1900; 8.2500; 8.2700; 8.3000; 8.5000; 8.5200; 8.5700; 8.6200; 8.8000; 8.0800a; 8.1000a; 8.1200a; 8.3000a; 14.2520
35-31.5-2-195	8.5200; 8.5700; 8.6500; 14.2540; 15.5000; 15.5040; 15.5045; 15.5080; 15.5120; 15.5160; 15.5200; 15.5240; 15.5280; 15.5600; 15.5720
35-31.5-2-196	3.4180; 3.4220; 3.4260; 3.4300; 3.4340; 3.4380; 14.2560
35-31.5-2-197.5	14.2580; 14.3200

[References are to sections]

Indiana Code—Cont.

Sec.	Text Sec.
35-31.5-2-200	14.2600; 14.3200
35-31.5-2-204	14.2640; 14.2650
35-31.5-2-204.5	3.1200; 3.1900; 3.1900a; 3.2500a; 3.2540a; 4.0465
35-31.5-2-207	4.1640; 4.1660; 4.1680; 4.1920; 4.4400; 7.4280; 7.4280a; 14.2660; 14.3540
35-31.5-2-208	7.5840; 14.2680
35-31.5-2-209	8.0100; 8.0150; 8.2500; 14.2700; 15.5200
35-31.5-2-210	14.2720
35-31.5-2-215	14.2760
35-31.5-2-217.5	5.3200; 14.2780
35-31.5-2-218	5.1600; 5.1620; 5.1640; 5.1660; 14.2800
35-31.5-2-221.5	3.2900; 3.3300; 3.3340; 3.3500; 3.3700; 3.3940; 3.4100; 3.4140; 3.5200; 3.5240; 3.7500; 3.5240a; 5.6200; 6.0400; 6.0600; 6.0640; 6.3000; 7.0100; 14.2815; 14.3200; 14.3660
35-31.5-2-222	3.6100; 14.2820
35-31.5-2-223	7.3240; 14.2840
35-31.5-2-226	14.2880; 14.4180; 14.4200
35-31.5-2-227	6.1500; 14.2900
35-31.5-2-231	6.0820
35-31.5-2-232	5.3900; 5.4200; 5.4400; 10.1200; 14.2960
35-31.5-2-233	3.4300; 14.2980
35-31.5-2-234	12.1200; 14.2120; 14.3000; 14.3020; 14.3040; 14.4180
35-31.5-2-235.3	14.3042
35-31.5-2-235.4	14.3043
35-31.5-2-239	14.1200; 14.4280
35-31.5-2-242	6.5400; 8.9800; 14.0060; 14.1200; 14.1220; 14.3080
35-31.5-2-244(b)	6.5400; 14.3100
35-31.5-2-245	6.1700; 14.3140; 14.3420
35-31.5-2-246	6.0840
35-31.5-2-248.2	14.3180
35-31.5-2-248.5	3.5240; 3.5240a; 14.3200
35-31.5-2-250	14.3220
35-31.5-2-253	4.0020; 4.0040; 4.0060; 4.0080; 4.0100; 4.0120; 4.0140; 4.0400; 4.0420; 4.0440; 4.0465; 4.1300; 4.1600; 4.1620; 4.1900; 4.3000; 4.3100; 4.3120; 4.3140; 4.3300; 4.3320; 4.3800; 4.3820; 4.4400; 5.0100; 5.0120; 5.0140; 5.0160; 5.0300; 5.0320; 5.0500; 5.0520; 5.0840; 5.0860; 5.2320; 6.0600; 6.0640; 7.0500; 7.1200; 14.3240

Indiana Code—Cont.

Sec.	Text Sec.
35-31.5-2-253.3	3.5750
35-31.5-2-258	3.4900; 3.5000; 8.0100; 8.0150; 8.0300; 8.0400; 8.0800; 8.1000; 8.1200; 8.2500; 8.2700; 8.3000; 8.3700; 8.3900; 8.4100; 8.6200; 8.0800a; 8.1000a; 8.1200a; 8.3000a; 14.3280
35-31.5-2-259	4.4800; 4.4820; 4.4840; 4.4860; 4.4880
35-31.5-2-261	5.0800; 5.0820; 5.1000; 5.1660; 5.2300; 5.7400; 14.3320
35-31.5-2-264	6.3200; 6.3240; 6.3280; 6.3320; 6.3360; 14.3360
35-31.5-2-265	6.1500; 14.3400
35-31.5-2-266	6.1700; 14.3420
35-31.5-2-268	14.3440
35-31.5-2-273.3	7.3120; 7.3140; 14.3460
35-31.5-2-277	14.2880; 14.3480; 14.4180; 14.4200
35-31.5-2-281	8.5200; 8.5700; 8.6500; 14.3500; 15.5000; 15.5040; 15.5045; 15.5080; 15.5120; 15.5160; 15.5200; 15.5240; 15.5280; 15.5600; 15.5720
35-31.5-2-282	7.2500; 14.3520; 15.5170
35-31.5-2-283	4.1140; 4.1160; 4.1180; 4.1300; 7.1940; 7.3500; 8.0100; 8.0150; 8.0300; 8.0400; 8.0800; 8.1000; 8.1200; 8.2500; 8.2700; 8.3000; 8.0800a; 8.1000a; 8.1200a; 8.3000a; 14.3540
35-31.5-2-285	3.4900; 3.5000; 3.5050; 4.1140; 4.1160; 4.1180; 4.1300; 6.2380; 7.1900; 7.1940; 7.3500; 8.0100; 8.0150; 8.0300; 8.0400; 8.0800; 8.1000; 8.1200; 8.2500; 8.2700; 8.3000; 8.3700; 8.3900; 8.4100; 8.6200; 8.0800a; 8.1000a; 8.1200a; 8.3000a; 14.3560
35-31.5-2-285(1)(A)	3.5055
35-31.5-2-285(1)(D)	3.5055
35-31.5-2-287	4.0440; 4.1140; 4.1160; 4.1180; 4.1300; 14.3580
35-31.5-2-288	7.5640; 14.3600
35-31.5-2-291	3.0800; 3.1200; 3.1280; 3.1360; 3.1900; 3.2100; 3.2140; 3.2500; 3.2540; 3.2700; 3.2900; 3.3300; 3.3340; 3.3500; 3.3900; 3.3940; 3.5700; 3.5750; 3.6100; 3.1900a; 3.2100a; 3.2500a; 3.2540a; 4.0020; 4.0040;

[References are to sections]

Indiana Code—Cont.

Sec.	Text Sec.
35-31.5-2-291—Cont.	4.0060; 4.0080; 4.0100; 4.0520; 4.0540; 4.0560; 4.1100; 5.3000; 5.3040; 5.3070; 5.3200; 5.3000a; 5.3040a; 6.2000; 6.2040; 6.2600; 6.2800; 6.5400; 7.0300; 7.2900; 7.2910; 7.2920; 7.2980; 7.3700; 7.3740; 7.3800; 7.3900; 7.3980; 7.4200; 7.0300a; 7.2900a; 7.2980a; 7.3800a; 7.3900a; 7.4800a; 8.0400; 10.0300; 10.0400; 10.1000; 10.1200; 10.1600; 14.3620
35-31.5-2-292	7.3940a; 7.3980a; 7.4200a
35-31.5-2-295	14.3800
35-31.5-2-296	5.6200; 14.3640
35-31.5-2-300(a)	3.4180; 3.4220; 3.4260; 3.4600; 3.6400; 3.6500; 3.6800; 3.6900; 14.3660
35-31.5-2-302	3.2900; 3.3300; 3.3340; 3.3500; 3.3700; 3.3940; 3.4100; 3.4140; 3.5200; 3.5240; 3.7500; 3.5240a; 5.6200; 6.0400; 6.0600; 6.0640; 6.3000; 7.0100; 14.3200; 14.3680
35-31.5-2-305	7.2500; 14.3820
35-31.5-2-307	3.7100; 14.3840
35-31.5-2-312	4.8000; 14.3900
35-31.5-2-313	3.5200; 14.3940
35-31.5-2-319	7.0300; 7.0720; 7.0900; 7.0300a; 14.3980; 15.4000
35-31.5-2-321	8.1300
35-31.5-2-321.5	8.1300; 8.6000; 8.6200; 8.6700; 14.4020; 15.5640; 15.5680; 15.5760
35-31.5-2-322	4.2960; 4.3360; 14.4000
35-31.5-2-326	6.3200; 6.3240; 6.3280; 6.3320; 6.3360; 14.2530; 14.4040; 14.4360
35-31.5-2-327	6.3200; 6.3240; 6.3280; 6.3320; 6.3360; 14.2530; 14.4060; 14.4080; 14.4360
35-31.5-2-328	6.3200; 6.3240; 6.3280; 6.3320; 6.3360; 14.2530; 14.4080; 14.4360
35-31.5-2-329	6.3600; 6.3640; 7.2900; 7.2910; 7.2920; 7.2980; 7.2900a; 7.2980a; 14.4100; 14.4480; 14.4100a
35-31.5-2-330	5.1685; 6.0200; 14.4120
35-31.5-2-330.3	6.2340; 14.4140
35-31.5-2-330.7	4.9740; 14.4160
35-31.5-2-331	4.9800; 4.9820; 14.4180
35-31.5-2-332	4.9800; 4.9820; 14.4200
35-31.5-2-333	4.9800; 4.9820; 14.4220
35-31.5-2-335	7.5840; 14.4240
35-31.5-2-338	6.0020; 14.4260
35-31.5-2-341	6.0020; 14.4340

Indiana Code—Cont.

Sec.	Text Sec.
35-31.5-2-342	6.3200; 6.3240; 6.3280; 6.3320; 6.3360; 14.2530; 14.4360
35-31.5-2-342.3	3.7150; 5.7500; 6.0820; 6.2850; 14.4365
35-31.5-2-345	4.2400; 4.2430; 4.2600, (a); 14.4380
35-31.5-2-347	4.2200; 14.4420
35-31.5-2-348(3)	6.2800; 14.2000; 14.4460
35-31.5-2-354	4.2940a; 6.3600; 6.3640; 7.2900; 7.2940; 7.2980; 7.2900a; 7.2940a; 7.2980a; 14.4480
35-31.5-2-356	4.2400; 4.2420; 4.2430; 4.2600, (a)
35-31.5-2-357	3.4900; 3.5000; 14.4540
35-31.5-21-185	5.7500
35-31.5-221.5	6.3000
35-31.8-2-8	7.2060
35-33-8-3.2	3.4700; 7.1600
35-33-8-3.6	3.4700; 7.1600
35-34-1-2	1.0700; 12.2900
35-36-1-1	11.0100; 11.0300
35-36-2-2	11.1300
35-36-2-3	11.0100
35-36-4-1	10.2000
35-37-2-5	12.4300
35-37-4-3	12.4000
35-38-1-7.5	3.4900; 14.2740; 14.3625; 14.3700; 14.3720; 14.3740; 14.3760; 14.3780
35-38-1-7.5(b)(1)	14.3700
35-38-1-7.5(b)(2)	14.3720
35-38-1-7.5(b)(3)	14.3740
35-38-1-7.5(b)(4)	14.3760
35-38-1-7.5(e)	14.3780
35-38-1-30	3.4700; 7.1600
35-38-1-33	7.1650
35-38-2-2.5	7.1650
35-41-1-1	9.0040; 9.0060
35-41-1-2	3.0300
35-41-1-4.5	14.0460
35-41-1-16(2)	2.0600
35-41-1-18.3	7.1980a
35-41-2-1	9.0080
35-41-2-1(a)	9.0080
35-41-2-2	9.0080
35-41-2-2(b)	4.1140
35-41-2-4	2.1600; 2.1800

[References are to sections]

Indiana Code—Cont.

Sec.	Text Sec.
35-41-2-5	10.1400
35-41-2-6	4.0060; 4.0140; 4.0420; 4.0440; 4.0460; 4.0470; 4.0480; 4.0500; 4.0940; 4.1600; 4.1620; 4.2200; 4.2240; 4.2920; (a); 4.2960; 4.3800; 4.3820; 4.3840; 4.3860; 4.3880; 4.4000; 4.4400; 4.4800; 4.4820; 4.4840; 4.4860; 4.4880; 4.5200; 4.5220; 4.5400; 4.5420; 4.5600; 4.5900; 4.5920; 4.5940; 4.5960; 4.5980; 4.8020; 4.8040; 4.8060; 4.9300; 4.9320; 4.9340; 4.9360; 4.9380; 4.9400; 4.9420; 4.9440; 4.9460; 4.9800; 4.9820
35-41-3	10.0100
35-41-3-1	10.0100
35-41-3-2	5.0100; 5.0120; 5.0140; 5.0160; 10.0300; 10.0400; 10.0500; 10.0700; 10.0800; 10.0900; 10.1000; 14.3340
35-41-3-2(f)	10.0600
35-41-3-2(h)	10.0600
35-41-3-2(i)	10.0700
35-41-3-2(i)(2)	10.0800
35-41-3-2(i)(3)	10.0900
35-41-3-2(j)	10.0700; 10.0800; 10.0900
35-41-3-2(k)	10.1000
35-41-3-3	10.1200
35-41-3-3(a)	10.1100
35-41-3-5	10.1300; 10.1400
35-41-3-6	9.0080; 10.1300; 11.0100; 11.0700
35-41-3-7	10.1500
35-41-3-8	10.1600
35-41-3-9	10.1700
35-41-3-10	10.1800
35-41-4-1	10.1300; 11.0100; 11.0500
35-41-4-2	12.3100
35-41-4-2(f)	12.3100
35-41-4-2(h)	12.3100
35-41-5-1(a)	2.0100; 2.0200; 2.0400; 2.0600
35-41-5-1(b)	2.1000
35-41-5-1(c)	2.0800
35-41-5-2(a)	2.1200; 2.1400
35-41-5-2(b)	2.1200
35-42	10.1600
35-42-1-1	2.0200; 2.0600; 3.0100; 3.0140; 3.0180; 3.0500; 7.2040; 7.2060; 7.2740; 7.2745; 7.1960a; 7.2000a; 11.0100
35-42-1-1(4)	3.0180
35-42-1-1.5	7.2745

Indiana Code—Cont.

Sec.	Text Sec.
35-42-1-1.5(d)	8.0900; 8.1100; 8.1300
35-42-1-2(a)	14.1680
35-42-1-2.5	3.0340
35-42-1-3	3.0500; 3.0540; 7.2740; 7.2745
35-42-1-3(a)(2)	3.0500
35-42-1-4	3.0800
35-42-1-4(a)	3.0800
35-42-1-5	3.1000; 7.2740; 7.2745
35-42-1-6	3.0700
35-42-1-6.5	3.0180; 3.0500; 3.0700; 3.0800
35-42-2	3.0800; 3.1900; 3.1900a; 14.1480; 15.2200; 15.2240; 15.2245; 15.2240a
35-42-2-1	3.1200; 3.1240; 3.1280; 3.1320; 3.1360; 3.1400; 7.2740; 7.2745; 14.0300; 14.0820; 14.2440; 14.3470; 15.2200
35-42-2-1(b)(1)	14.2440
35-42-2-1.3	3.1900; 3.1900a; 7.2740; 7.2745; 7.2755; 15.2240; 15.2245; 15.2240a
35-42-2-1.5	3.2000; 7.2740; 7.2745
35-42-2-2	3.2100; 3.2100a; 14.0142
35-42-2-2.5	3.2140
35-42-2-5	3.6100
35-42-2-8(a)	14.3080
35-42-2-9	3.2180; 3.1900a; 14.4230; 15.2245; 15.2240a
35-42-2-10	3.5450
35-42-2-10(a)	14.1670
35-42-3-1	3.2540a
35-42-3-2	3.2500; 3.2540; 3.4900; 3.2500a; 3.2540a; 7.2740; 7.2745; 14.2740; 14.3720; 14.3740; 14.3760
35-42-3-3	7.2740; 7.2745; 14.3720; 14.3740; 14.3760
35-42-3-3(a)	3.2500; 3.2500a
35-42-3-4(a)	3.2700
35-42-3-5	3.6200
35-42-3-5-0.5	3.6200
35-42-3-5-0.5(b)	3.6300
35-42-3-5-1	6.0600; 8.7600
35-42-3-5-1(a)(2)	14.3720; 14.3740; 14.3760
35-42-3-5-1(b)	14.3720; 14.3740; 14.3760
35-42-3-5-1(c)(3)	14.3720; 14.3740; 14.3760
35-42-3-5-1.1	3.6400
35-42-3-5-1.2(a)	3.6800
35-42-3-5-1.2(b)	3.6800
35-42-3-5-1.2(c)	3.6900
35-42-3-5-1.3	3.6500
35-42-3-5-1.4	3.6700; 8.7600

[References are to sections]

Indiana Code—Cont.

Sec.	Text Sec.
35-42-4	14.0560; 15.2500
35-42-4-1	3.2900; 7.2740; 7.2745; 14.3700; 14.3720; 14.3740; 14.3760; 15.1800
35-42-4-2	3.0140; 7.2740; 7.2745; 14.3700; 14.3720; 14.3740; 14.3760
35-42-4-2(a)	12.3100
35-42-4-3	3.3300; 3.3380; 3.4900; 7.2740; 7.2745; 14.2740; 14.3625; 14.3700
35-42-4-3(a)	3.3300
35-42-4-3(b)	3.3340; 3.5200; 3.5240; 3.5400; 3.5240a
35-42-4-3(c)	3.3300; 3.3340; 3.3380; 12.3100
35-42-4-3(d)	12.3100
35-42-4-4	3.4180; 3.4220; 3.4260; 3.4300; 3.4340; 3.4380; 3.4600
35-42-4-4(b)	3.4900; 3.6800; 14.2740; 14.3625; 14.3720; 14.3740; 14.3760
35-42-4-4(c)	3.6800; 14.3720; 14.3740; 14.3760
35-42-4-4(d)	14.3625
35-42-4-4(e)	14.3625
35-42-4-4(f)	3.4180; 3.4220; 3.4260; 3.4300; 3.4340; 3.4380; 3.4600; 3.4700
35-42-4-4(g)	3.4180; 3.4220; 3.4260; 3.4300; 3.4340; 3.4380; 3.4600
35-42-4-4(h)	3.4180; 3.4220; 3.4260; 3.4300; 3.4340; 3.4380; 3.4600
35-42-4-5	3.3900; 3.3940; 14.3700; 14.3720; 14.3740; 14.3760
35-42-4-5(a)	14.3625
35-42-4-5(b)	14.3625
35-42-4-5(c)	14.3625
35-42-4-6	3.4100; 3.4140; 3.4900; 14.2740; 14.3625; 14.3720; 14.3740; 14.3760; 15.2600; 15.2640
35-42-4-7	3.4900; 3.5200; 3.5240; 3.5240a; 14.0100; 14.0560; 14.2600; 14.2740; 14.3625; 14.3720; 14.3740; 14.3760
35-42-4-8	3.5400; 6.2800; 7.2740; 7.2745; 14.3720; 14.3740; 14.3760
35-42-4-9	14.3625; 14.3720; 14.3740; 14.3760; 15.1800
35-42-4-9(a)	3.3500
35-42-4-9(b)	3.3520
35-42-4-9(c)	3.3500; 3.3520; 3.3540
35-42-4-9(d)	3.3500; 3.3520; 3.3540
35-42-4-9(e)	3.3500; 3.3520; 3.3540
35-42-4-10	3.4900; 15.2500
35-42-4-11	3.4900; 3.5000; 14.2740
35-42-4-11(b)	7.1650
35-42-4-12	3.7100; 3.7500; 14.2240; 14.3840; 15.2800

Indiana Code—Cont.

Sec.	Text Sec.
35-42-4-12(c)	3.7100
35-42-4-12.5	3.7150; 15.1850
35-42-4-13	15.2900
35-42-4-14	3.5050; 14.3625
35-42-4-14(a)	14.3625
35-42-4-14(b)	3.5050; 14.3625
35-42-4-14(c)	3.5055
35-42-5-1	3.5700; 3.5750; 7.2740; 7.2745; 14.3042; 14.3043; 15.3800
35-43-1-1(a)	7.2740; 7.2745
35-43-1-1(a)(1)	4.0020
35-43-1-1(a)(2)	4.0040
35-43-1-1(a)(3)	4.0060
35-43-1-1(a)(4)	4.0080
35-43-1-1(b)	4.0100
35-43-1-1(d)	4.0140
35-43-1-2	4.0420; 4.0440; 4.0460; 14.2923
35-43-1-2(a)	4.0400
35-43-1-2(a)(1)	4.0420
35-43-1-2(a)(2)	4.0440
35-43-1-2(b)	4.0460
35-43-1-2(c)	4.0465
35-43-1-2.1	4.0480; 4.0500
35-43-1-2.1(b)(3)	4.0500
35-43-1-2.3(1)	4.0520
35-43-1-2.3(2)	4.0540
35-43-1-2.3(3)	4.0560
35-43-1-3	4.0660
35-43-1-5	4.0680
35-43-1-6	4.0900
35-43-1-7	4.0920
35-43-1-8	4.0940
35-43-2-1	4.1100; 7.2740; 7.2745; 15.3800
35-43-2-1.5	4.1120
35-43-2-2	14.1080; 15.3000
35-43-2-2(B)	4.1320
35-43-2-2(b)(1)	4.1140
35-43-2-2(b)(2)	4.1160
35-43-2-2(b)(3)	4.1180
35-43-2-2(b)(4)	4.1300
35-43-2-2(b)(5)(A)	4.1320
35-43-2-2(b)(6)	4.1340
35-43-2-2(b)(7)	4.1143
35-43-2-2(f)	4.1140; 4.1180; 4.1300; 4.1320; 4.1340
35-43-2-2.1	4.1610

[References are to sections]

Indiana Code—Cont.

Sec.	Text Sec.
35-43-2-3(b)	4.1360
35-43-4	15.3200
35-43-4-1	4.1600; 4.1900; 4.1920; 14.4300
35-43-4-2	4.1600; 15.3800
35-43-4-2.3	4.1620; 15.3200
35-43-4-2.5(b)	4.1640; 15.3900
35-43-4-2.5(c)	4.1660; 15.3900
35-43-4-2.7	4.1680
35-43-4-3	15.3800
35-43-4-3(a)	4.1900
35-43-4-3(b)	4.1920
35-43-4-3.5	4.1940
35-43-4-3.5(b)	4.1940
35-43-4-4.6	4.4200
35-43-4-7(b)(1)	4.2200
35-43-4-7(b)(2)	4.2240
35-43-4-9	4.0470; 14.0995; 14.3430
35-43-4-9(d)	4.0470
35-43-5-1	4.2920, (a); 4.3360; 4.3880; 14.2220; 14.4000
35-43-5-1(b)	14.0580
35-43-5-1(c)	14.0620
35-43-5-1(d)	14.0880
35-43-5-1(e)	14.0900
35-43-5-1(f)	14.0992
35-43-5-1(g)	14.1382; 14.3822
35-43-5-1(h)	14.1532
35-43-5-1(i)	4.2940a
35-43-5-1(j)	14.2260
35-43-5-1(k)	14.2280
35-43-5-1(m)	14.2500
35-43-5-1(n)	14.2582
35-43-5-1(o)	14.3300
35-43-5-1(p)	14.3442
35-43-5-1(r)	14.4370
35-43-5-1(s)	14.4520
35-43-5-2	4.2400; 4.2420; 4.2430; 4.2600, (a)
35-43-5-2(b)	4.2460; 4.2480
35-43-5-2(e)	4.2620
35-43-5-2.5	4.2640
35-43-5-3(a)(1)	4.2660
35-43-5-3(a)(2)	4.2680
35-43-5-3(a)(3)	4.2700
35-43-5-3(a)(4)	4.2720
35-43-5-3(a)(5)	4.2740
35-43-5-3(a)(6)	4.2760

Indiana Code—Cont.

Sec.	Text Sec.
35-43-5-3(a)(7)	4.2780
35-43-5-3(a)(8)	4.2800
35-43-5-3(a)(9)	4.2820
35-43-5-3(a)(10)	4.2840
35-43-5-3(a)(11)	4.2860
35-43-5-3(a)(12)	4.2880
35-43-5-3(b)	4.2820
35-43-5-3(c)	4.2900
35-43-5-3.5	4.2920, (a); 4.3360
35-43-5-3.6	4.2940; 4.3360
35-43-5-3.8	4.2960; 4.3360
35-43-5-3.8(c)	4.2960
35-43-5-4	4.3360
35-43-5-4(1)	4.3000; 4.3100
35-43-5-4(2)	4.3120
35-43-5-4(3)	4.3140
35-43-5-4(4)	4.3160
35-43-5-4(5)	4.3160
35-43-5-4(6)	4.3180
35-43-5-4(7)	4.3320
35-43-5-4(8)	4.3300; 4.3322
35-43-5-4(9)	4.3300; 4.3324
35-43-5-4(10)	4.3340
35-43-5-4.3	4.3360
35-43-5-4.5	15.3600
35-43-5-4.5(1)	4.3800
35-43-5-4.5(2)	4.3820
35-43-5-4.5(3)	4.3840
35-43-5-4.5(4)	4.3860; 4.3880
35-43-5-4.5(5)	4.4000
35-43-5-4.5(c)	4.4020
35-43-5-5	4.4400
35-43-5-6.5	4.4520
35-43-5-7(a)(1)	4.4800
35-43-5-7(a)(2)	4.4820; 4.5900
35-43-5-7(a)(3)	4.4840
35-43-5-7(a)(4)	4.4860
35-43-5-7(a)(5)	4.4880
35-43-5-7.1(a)(1)	4.5200; 4.5900
35-43-5-7.1(a)(2)	4.5220
35-43-5-7.1(a)(3)	4.5400
35-43-5-7.1(a)(4)	4.5420
35-43-5-7.1(a)(5)	4.5600
35-43-5-7.2(a)(1)	4.5900
35-43-5-7.2(a)(2)	4.5920

[References are to sections]

Indiana Code—Cont.

Sec.	Text Sec.
35-43-5-7.2(a)(3)	4.5940
35-43-5-7.2(a)(4)	4.5960
35-43-5-7.2(a)(5)	4.5980
35-43-5-7.23(a)(4)	4.5960
35-43-5-8(a)	4.8000
35-43-5-12	4.3000; 4.8020; 4.8040; 4.8060
35-43-5-12(b)(1)	4.8020
35-43-5-12(b)(2)	4.8040
35-43-5-12(b)(3)	4.8060
35-43-5-15	4.9000
35-43-5-16	4.9020
35-43-5-18	4.9040
35-43-5-19	4.9060
35-43-5-20	4.9080
35-43-6	14.3060; 15.3400
35-43-6-8	4.9380; 14.4320
35-43-6-9	4.9380; 14.4320
35-43-6-10	14.4320
35-43-6-11	14.4320
35-43-6-12	4.9340; 4.9360; 4.9420; 4.9440; 4.9460; 4.9480
35-43-6-12(a)	4.9300; 4.9320
35-43-6-12(a)(1)	4.9300
35-43-6-12(a)(2)	4.9320
35-43-6-12(a)(3)	4.9340
35-43-6-12(a)(4)	4.9360
35-43-6-12(a)(5)	4.9380
35-43-6-12(a)(6)	4.9400
35-43-6-12(a)(7)	4.9420
35-43-6-12(a)(8)	4.9440
35-43-6-12(a)(9)	4.9460
35-43-6-12(b)(1) to (4)	4.9480
35-43-6-13(a)(1)	4.9300; 4.9320; 4.9340; 4.9360; 4.9380; 4.9400; 4.9420; 4.9440; 4.9460
35-43-6-13(a)(2)	4.9300; 4.9320; 4.9340; 4.9360; 4.9380; 4.9400; 4.9420; 4.9460; 15.3400
35-43-6-13(a)(3)	4.9300; 4.9320; 4.9340; 4.9360; 4.9380; 4.9400; 4.9420; 4.9440; 4.9460
35-43-6-13(a)(4)	4.9380
35-43-6-13(b)(1)	4.9380
35-43-6-13(b)(2)	4.9300; 4.9320; 4.9340; 4.9360; 4.9380; 4.9420; 4.9440; 4.9460
35-43-6-13(b)(3)	4.9480
35-43-6-13(b)(4)	4.9300; 4.9320; 4.9340; 4.9360; 4.9380; 4.9420; 4.9440; 4.9460; 4.9480
35-43-6-13(c)(1)	4.9300; 4.9320; 4.9340; 4.9360; 4.9380; 4.9420; 4.9440; 4.9460

Indiana Code—Cont.

Sec.	Text Sec.
35-43-6-13(c)(2)	4.9300; 4.9320; 4.9340; 4.9360; 4.9420; 4.9440; 4.9460
35-43-7-4	4.9700
35-43-7-5	4.9720
35-43-8-2	4.9740
35-43-8-3	4.9740
35-43-9	14.2880; 14.3020; 14.3480; 14.4180; 14.4200; 14.4220
35-43-9-7	4.9800; 4.9820
35-44-1-5(c)	14.3720; 14.3740; 14.3760
35-44-3-3(c)	5.3000; 5.3040; 5.3070; 5.3000a; 5.3040a
35-44-3-3.5	14.2780
35-44-3-6	5.2600
35-44-4-2(a)(4)	3.3940
35-44-4-5	3.3700
35-44-48-1	3.6900
35-44.1-1-1	5.0020; 5.0900
35-44.1-1-2(a)(1)	5.0100
35-44.1-1-2(a)(2)	5.0120
35-44.1-1-2(a)(3)	5.0140
35-44.1-1-2(a)(4)	5.0160
35-44.1-1-2(a)(5)	5.0300
35-44.1-1-2(a)(7)	5.0500
35-44.1-1-2(a)(8)	5.0520
35-44.1-1-2(b)	5.0100; 5.0120; 5.0140; 5.0160; 5.0300; 5.0500; 5.0520
35-44.1-1-3(a)	5.0800
35-44.1-1-3(b)	5.0820
35-44.1-1-3(c)	5.0840
35-44.1-1-3(d)	5.0860
35-44.1-1-4(b)	5.1000
35-44.1-1-5	5.1200
35-44.1-2-1	5.1400
35-44.1-2-2	5.1620
35-44.1-2-2(a)(1)	5.1600
35-44.1-2-2(a)(2)	5.1620
35-44.1-2-2(a)(3)	5.1640
35-44.1-2-2(a)(4)	5.1660
35-44.1-2-2(a)(5)	5.1680
35-44.1-2-2(b)	5.1685
35-44.1-2-2(c)	14.1350
35-44.1-2-3(c)	5.1900
35-44.1-2-5	5.2100; 7.2740; 7.2745
35-44.1-2-6	5.2300; 5.2320; 5.2400
35-44.1-2-8	5.2400
35-44.1-2-9	5.2600

[References are to sections]

Indiana Code—Cont.

Sec.	Text Sec.
35-44.1-2-13	5.2800
35-44.1-3-1	5.3070; 5.3080; 5.3000a; 5.3040a; 7.2740; 7.2745; 14.2440; 15.3700
35-44.1-3-1(a)	5.3000; 5.3000a; 5.3040a
35-44.1-3-1(b)	5.3000; 5.3070
35-44.1-3-1(h)	5.3080
35-44.1-3-2	5.3200; 14.2440
35-44.1-3-4	7.2740; 7.2745
35-44.1-3-4(a)	5.3400
35-44.1-3-4(b)	5.3500
35-44.1-3-4(c)	5.3600
35-44.1-3-5	5.3900; 7.2740; 7.2745; 8.0800a; 8.1000a; 8.1200a; 8.3000a
35-44.1-3-5(d)	5.4200
35-44.1-3-6	5.4300
35-44.1-3-7	5.4400
35-44.1-3-9	5.5900; 15.4680
35-44.1-3-10	5.6200
35-44.1-3-10(b)	5.6200
35-44.1-3-10(c)	5.6200
35-44.1-4-9	5.7500
35-44.1-4-10	5.7500; 15.8800
35-44.1-5-1	5.6800; 5.6900
35-44.1-5-3	5.6800
35-44.1-5-4	5.6900
35-44.1-5-4(c)	5.6900
35-44.2-2-1	5.7400
35-44.13-1	15.3300
35-44.13-1(a)	5.3040
35-44.13-1(b)	5.3040
35-45-1-2	6.0020
35-45-1-3	6.0060
35-45-1-5	8.7600
35-45-1-5(c)	8.7650
35-45-1-5(d)	8.7650
35-45-2-1	14.3310; 14.4155; 15.8900
35-45-2-1(a)	6.0200
35-45-2-1(c)	15.2400
35-45-4-1	6.0400; 15.4300
35-45-4-1(b)(1)	6.0400
35-45-4-1(d)	6.0400; 6.0440
35-45-4-1(e)	6.0400
35-45-4-1.5	6.0440; 15.4340
35-45-4-2	6.0600; 6.0680; 15.4500
35-45-4-2(a)	14.2345
35-45-4-2(b)	6.0600

Indiana Code—Cont.

Sec.	Text Sec.
35-45-4-3	6.0640; 15.4500
35-45-4-4	3.6900; 6.0680; 14.2347; 14.3720; 14.3740; 14.3760
35-45-4-5	6.0820; 15.4200; 15.4240; 15.4250
35-45-4-5(b)	6.0800
35-45-4-5(c)	6.0800
35-45-4-5(d)	6.0840
35-45-4-5(e)	6.0840
35-45-4-5(f)	6.0840
35-45-4-8	7.7450; 14.1290
35-45-4-8(b)	7.7450; 14.1290
35-45-4-8(c)	7.7450; 14.2290
35-45-5-2	6.1000
35-45-5-3(a)	6.1040; 15.4800
35-45-5-3(b)	6.1080
35-45-5-3.5	6.1120; 15.4840
35-45-5-4	15.4880
35-45-5-4(a)(1)	6.1160
35-45-5-4(a)(2)	6.1200
35-45-5-4(a)(3)	6.1240
35-45-5-5	6.1160; 6.1200; 6.1240
35-45-5-6	6.1160; 6.1200; 6.1240
35-45-6-1	14.3400
35-45-6-2	6.1500
35-45-7-2	6.1700
35-45-8-2	14.2400
35-45-8-3(1)	6.2000
35-45-8-3(2)	6.2040
35-45-9-3	6.2300
35-45-9-4	6.2340; 7.2740; 7.2745
35-45-10-1	6.2800
35-45-10-3	14.2160
35-45-10-5	6.2800; 7.2740; 7.2745; 15.4180
35-45-10-6	6.2850; 15.8840
35-45-11-1(a)	6.3000
35-45-11-1(b)	6.3000
35-45-11-2	6.3000
35-45-13-1	6.3200; 6.3240; 6.3280; 6.3320; 6.3360; 14.2530
35-45-13-7(1)	6.3200
35-45-13-7(2)	6.3240
35-45-13-7(2)(B)	6.3280
35-45-13-7(2)(C)	6.3320
35-45-13-7(3)(A)	6.3360
35-45-13-7(B)	6.3360
35-45-15	14.2440

[References are to sections]

Indiana Code—Cont.

Sec.	Text Sec.
35-45-15-3	14.2440
35-45-15-5	14.1800; 14.4155; 15.8900
35-45-15-5(2)	6.3600
35-45-15-5(a)(1)	6.3600
35-45-15-5(a)(3)	6.3640
35-45-16-1	14.1920
35-45-16-2	3.1700; 3.1740
35-45-16-2(c)	6.4000
35-45-16-2(d)	6.4000
35-45-16-2(e)	6.4040
35-45-16-2(f)	6.4040
35-45-18-3	6.4400
35-45-21-1	6.4700
35-45-21-3	6.5000
35-45-21-5	6.5400
35-46-1-1.5	4.2920, (a)
35-46-1-2	7.0020
35-46-1-3	7.0100; 7.2740; 7.2745; 14.3720; 14.3740; 14.3760; 15.1800
35-46-1-3(b)	7.0140
35-46-1-4	7.0300; 7.0300a
35-46-1-4(c)(1)	7.0340; 14.1440
35-46-1-4(c)(2)	7.0380
35-46-1-4(d)	7.0500; 7.0540
35-46-1-4.1	7.0700
35-46-1-5	7.0720; 15.4000
35-46-1-5(b)	7.0740
35-46-1-5(c)	7.0760
35-46-1-5(d)	7.0780
35-46-1-6(a)	7.0900
35-46-1-6(b)	7.0940
35-46-1-8	7.1000
35-46-1-8(b)(1)	7.1040
35-46-1-8(b)(2)	7.1080
35-46-1-9	7.1200
35-46-1-9(b)	7.1240
35-46-1-9(d)	7.1250
35-46-1-9.5	7.1250
35-46-1-12	7.1400; 7.1440; 7.1460; 7.1480
35-46-1-12(a)	7.1400; 7.1480
35-46-1-12(a)(1)	7.1480; 14.3055
35-46-1-12(a)(2)	7.1480; 14.3610
35-46-1-12(b)	7.1400; 7.1460; 15.4900
35-46-1-12(c)	7.1440; 7.1480; 15.4900
35-46-1-12(d)	7.1440
35-46-1-13	14.1480

Indiana Code—Cont.

Sec.	Text Sec.
35-46-1-15.1	7.1600; 15.4100
35-46-1-15.1(c)	7.1650
35-46-1-21	7.1260
35-46-1-21(a)	7.1260; 14.0125
35-46-3	7.5200; 7.5460; 15.8400; 15.8740
35-46-3-1	7.1800
35-46-3-3	14.1040
35-46-3-4.5	4.0440; 7.4280; 7.4280a
35-46-3-7	7.5200; 7.5800; 15.8400
35-46-3-8	7.5300
35-46-3-8.5	7.5340; 15.8700
35-46-3-9	7.5340; 7.5380; 7.5420
35-46-3-9.5	7.5420
35-46-3-10	7.5460; 15.8400; 15.8740
35-46-3-11	7.5600
35-46-3-11.3	7.5640
35-46-3-11.5	7.5680
35-46-3-12	7.5800; 15.8300
35-46-3-12(a)	7.5200; 7.5800; 7.5840
35-46-3-12(b)	7.5200; 7.5800
35-46-3-12(c)	7.5840
35-46-3-12(d)	7.6100; 14.4240
35-46-3-12(e)	7.6140
35-46-3-12.5	7.6180
35-46-3-14	3.4180; 3.4220; 3.4260; 3.4300; 3.4340; 3.4380; 3.4600; 7.6300
35-46-5-1	7.6500
35-46-5-2	7.6700
35-46-5-3	7.6900
35-46-5-3(a)	7.6800
35-46-5-3(b)	7.6800
35-46-5-3(c)	7.6800
35-46-6-1	14.2300
35-46-6-2(2)	14.2300
35-46-6-3	7.7200
35-46-8.5-1	7.7400
35-46-9	7.3800; 7.3800a
35-46-9-2	7.3800; 7.3800a; 15.6900
35-46-9-3	7.3800; 7.3800a; 15.6900
35-46-9-6	7.3800; 7.3800a; 15.6900
35-46.5-1-1	7.2930
35-46.5-1-1(5)	7.2930; 14.4150
35-46.5-2	14.4155
35-46.5-2-1	7.2900a
35-46.5-2-2	7.2940a
35-46.5-2-3	7.2980a

[References are to sections]

Indiana Code—Cont.

Sec.	Text Sec.
35-46.5-2-4	4.2940a
35-46.5-2-5	7.2910
35-46.5-2-6	7.2920
35-46.5-2-7	7.2930
35-46.5-2-7(b)	7.2930
35-47-1-5	7.2060; 7.2755; 7.1980a
35-47-1-6	7.1980a; 7.2000a
35-47-1-10	7.2500
35-47-2-1	7.1900; 15.7400
35-47-2-2	7.1920
35-47-2-7	14.2480
35-47-2-7(a)	7.1960; 7.1980; 7.1980a; 14.2480
35-47-2-7(b)	7.2000; 7.1980a; 7.2000a
35-47-2-7(c)	7.1960a
35-47-2-7(f)	7.2000a
35-47-2-17	7.2300
35-47-2-18(1)	7.2340
35-47-2-18(a)(2)	7.2360
35-47-2-23(b)	7.1960; 7.1980; 7.2000; 7.2300
35-47-3-4	7.2380
35-47-4-3	7.2700
35-47-4-5	3.5050; 5.4800; 5.4900; 5.5000; 5.5100; 5.5400; 5.5500; 5.5600; 5.6400; 7.2740; 7.2745; 14.2740; 14.3625; 14.3700; 14.3720; 14.3740; 14.3760; 14.3780
35-47-4-6	7.2755
35-47-4-6(b)	7.2755
35-47-4-7	7.2755
35-47-4-8	7.2750
35-47-4-8(c)	7.2750
35-47-4-9	7.2745; 15.7000
35-47-4-5-3	4.1680
35-47-5-2.5	7.3500; 14.3540; 15.7700
35-47-5-2.5(d)	7.3500
35-47-5-4.1	7.2500
35-47-5-4.1(b)	7.2520
35-47-5-8	7.2540; 7.2560
35-47-5-9	7.2540; 7.2560
35-47-5-10	7.2540; 7.2560
35-47-5-11.5	7.2760; 14.0270
35-47-5-13	7.2780
35-47-6-1	7.2580
35-47-8-1	14.1040
35-47-8-3	14.1040
35-47-9-1	7.1940
35-47-9-2	7.1940

Indiana Code—Cont.

Sec.	Text Sec.
35-47-10	14.0540
35-47-10-1	7.1980; 7.2020; 7.1980a
35-47-10-1(c)	7.2060
35-47-10-2	7.2060
35-47-10-3	7.2060
35-47-10-5	15.7100
35-47-10-5(a)	7.2020
35-47-10-5(b)	7.2040
35-47-10-6	7.2060; 15.7200
35-47-10-7	7.2080; 15.7300
35-47-12	5.2400
35-47-12-1	7.2900
35-47-12-2	7.2940
35-47-12-3	7.2980
35-47.5	14.1280; 14.1560; 14.2040; 14.2200; 14.2840; 14.3460
35-47.5-2-4	14.1120
35-47.5-2-7	14.1560
35-47.5-2-13	14.3460
35-47.5-3	14.1560
35-47.5-5-1	7.3120; 7.3140; 7.3160; 7.3180; 7.3200; 7.3220; 7.3240; 7.3400
35-47.5-5-2	7.3100
35-47.5-5-3	7.3120; 15.7500
35-47.5-5-4	7.3140
35-47.5-5-5	7.3160
35-47.5-5-6	7.3180
35-47.5-5-7	7.3200
35-47.5-5-8	7.3220
35-47.5-5-9	7.3240; 15.7600
35-47.5-5-10	7.3400
35-48	8.8200; 8.8400; 8.9000
35-48-1	7.3980; 7.3980a; 14.1380; 14.1382
35-48-1-9	7.1040; 8.2000; 14.1360
35-48-1-9.3	8.1300; 8.0800a; 8.1000a; 8.1200a; 8.3000a; 14.0781; 14.1360
35-48-1-14	8.2000
35-48-1-16	14.0780; 14.1360
35-48-1-16.3	8.4700
35-48-1-16.4	15.5600; 15.5720
35-48-1-16.5	8.0100; 8.0150; 8.0300; 8.0400; 8.0800; 8.1000; 8.1200; 8.2500; 8.2700; 8.3000; 8.0800a; 8.1000a; 8.1200a; 8.3000a
35-48-1-17	14.0780
35-48-1-18	8.2000
35-48-1-24	7.3800a; 7.4280a; 14.3080

[References are to sections]

Indiana Code—Cont.

Sec.	Text Sec.
35-48-2	7.3800; 7.3980; 7.4280; 7.3800a; 7.3940a; 7.3980a; 7.4280a; 14.0781; 14.1380; 14.1382
35-48-2-4	14.0780
35-48-2-6	14.0780
35-48-2-8	14.0780
35-48-2-10	14.0780
35-48-2-12	14.0780
35-48-3	8.7800; 8.8600; 14.1380; 14.1382
35-48-4	8.1300; 8.5400; 14.1380; 14.1382; 14.2320
35-48-4-0.5	14.0781
35-48-4-1	7.0300; 7.1080; 7.2740; 7.2745; 7.0300a; 8.0100; 8.0150; 8.0900; 8.1100; 8.4700; 15.5000
35-48-4-1(a)(1)	8.0100; 8.0150
35-48-4-1(a)(2)	8.0100; 8.0150
35-48-4-1.1	7.0300; 7.1080; 7.2740; 7.2745; 7.0300a; 8.0300; 8.0900; 15.5040; 15.5080
35-48-4-1.2	7.0300a; 8.0400; 8.0900; 15.5045
35-48-4-1.5	8.0200; 8.9300; 14.3081
35-48-4-2	7.1080; 7.2740; 7.2745; 8.0800; 8.0900; 8.0800a; 15.5120; 15.5160
35-48-4-3	7.1080; 7.2740; 7.2745; 8.1000; 8.1100; 8.1000a
35-48-4-4	7.1080; 7.2740; 7.2745; 8.1200; 8.1300; 8.1200a
35-48-4-4.1	8.1500
35-48-4-4.5	7.1080; 8.1800; 8.1900
35-48-4-4.6	7.1080; 8.1300; 8.2000
35-48-4-4.6(f)	8.2000
35-48-4-5	7.1080; 8.2200
35-48-4-6	8.2500; 15.5200
35-48-4-6.1	8.2700; 15.5240
35-48-4-7	15.5280
35-48-4-7(a)	8.3000; 8.3000a
35-48-4-7(c)	8.3300
35-48-4-8.1	8.5000; 15.5400
35-48-4-8.1(b)	8.5000
35-48-4-8.3	8.5400; 15.5480
35-48-4-8.5	8.5200; 8.7600; 8.7650; 14.2320; 15.5440
35-48-4-8.5(a)	8.5200
35-48-4-10	8.5700; 15.5600; 15.5720
35-48-4-10.5	8.1300
35-48-4-10.5(a)	8.6000; 15.5640
35-48-4-10.5(c)	8.6200
35-48-4-10.5(e)	8.6200; 15.5680
35-48-4-11	8.6500; 15.5600; 15.5720
35-48-4-11.5	8.4700; 8.6700
35-48-4-11.5(a)	15.5760

Indiana Code—Cont.

Sec.	Text Sec.
35-48-4-13	8.4700
35-48-4-13.3	8.7400; 15.5800
35-48-4-14(a)(1)	8.7800
35-48-4-14(a)(2)	8.8000
35-48-4-14(a)(3)	8.8200
35-48-4-14(a)(4)	8.8400
35-48-4-14(b)(1)	8.8600
35-48-4-14(b)(2)	8.8800
35-48-4-14(b)(3)	8.9000
35-48-4-14(b)(4)	8.9200
35-48-4-14(c)	8.9400; 15.5900
35-48-4-14(d)	8.9600; 15.5940
35-48-4-14(e)	8.9800; 15.5980
35-48-4-14.5	8.3700; 8.4700; 14.0220
35-48-4-14.5(a)	8.3900; 8.4500
35-48-4-14.5(b)	8.4100
35-48-4-14.5(c)	8.3700
35-48-4-14.5(e)	8.3900
35-48-4-14.5(g)	8.4500
35-48-4-14.7	8.4700
35-48-5-8.5	14.2320
35-49-1-4	4.2920, (a); 4.2960
35-49-1-5	4.2920, (a); 4.2960
35-50-1-2(a)	7.2080
35-50-2-3(a)	7.1000
35-50-2-7(b)	14.1660
35-50-2-8	15.1200; 15.1240; 15.1260; 15.1265; 15.1280; 15.1285; 15.1600
35-50-2-8(c)(3)	15.1260
35-50-2-8(d)(2)	15.1260
35-50-2-11.7.1960; 14.0280; 14.3050; 15.5180; 15.5185	
35-50-2-13	14.3520; 15.5170
35-50-2-14	15.1800
35-50-2-15	15.1900; 15.1940
35-50-2-16	15.2000
35-50-2-18	14.4155; 15.8900
35-50-2-18(a)	15.8900
35-50-6-1	5.5900
36-1-2-13	5.6800; 5.6900; 14.3270
36-7-9	14.1080
36-7-36	14.1080
36-7-36-1	4.0460; 4.1143; 14.0025
36-7-36-5	4.0460; 4.1143; 14.4395
36-7-36-6	4.0460; 4.1143; 14.4397
36-8-10-10.6	3.1240; 14.3310
36-10-1-2	14.3280

[References are to sections]

Indiana Code—Cont.

Sec.	Text Sec.
46-1-21(a)	7.1260; 14.0125

Indiana Constitution

Art.:Sec.	Text Sec.
I:13	6.3600; 6.3640
I:14	13.2300

FEDERAL STATUTES, RULES, AND REGULATIONS**United States Constitution**

Amend.	Text Sec.
amend.:1	5.6800; 5.6900
amend.:5	13.2300
amend.:6	6.3600; 6.3640

United States Code

Title:Sec.	Text Sec.
8:1101(a)	14.0200
8:1611	14.1640
8:1611(c)	14.3920
8:1621	14.3920

United States Code—Cont.

Title:Sec.	Text Sec.
12:1422	14.3900
18:922(y)(2)	7.2750
21:353	14.2470
21:355	14.0781
26:501(c)(3)	7.1980; 7.2020; 7.1980a
42:7412(r)	14.2360
42:9831	14.3560
43:1601	3.4700; 7.1600
48:1681	14.3920
49:30125	14.3880

Code of Federal Regulations

Title:Sec.	Text Sec.
14:107.3	14.4365
21:1271	7.6800; 7.6900
42:400.203	4.5420
42:1000	4.5960
42:1000 to 1007	4.5960
42:1000.30	4.5960
42:1002.30	4.5420
42:1002.301	4.5960

INDEX

[References are to Instruction Numbers.]

A

ABANDONMENT DEFENSE

Burden of proof. . . 10.1800

ABDUCTION (See KIDNAPPING)

ACCESS

Definition. . . 14.0040

ACCIDENTS

Defense

Burden of proof. . . 10.1900

Definition. . . 10.1900

Failure to act as required after. . . 7.3700; 14.1520;
15.6800

Leaving the scene of an accident involving other persons. . . 7.3740

ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) (See HIV)

ACQUITTALS

Generally. . . 16.0500

Not guilty by reason of insanity. . . 16.0700

ADMINISTER

Definition. . . 14.0060

ADMISSIONS

Codefendants (See CO-DEFENDANTS, subhead: Confessions or admissions)

Voluntariness. . . 12.0300

ADOPTION

Advertising, unauthorized adoption. . . 7.1260

Deception, adoption. . . 7.1250

Profiting from

Burden of proof. . . 7.1200

Deception. . . 7.1250

Defenses. . . 7.1240

Elements of offense. . . 7.1200

ADOPTIVE GRANDPARENT

Definition. . . 14.0080

ADOPTIVE PARENT

Definition. . . 14.0100

ADVERTISING

Adoption advertising, unauthorized. . . 7.1260

Deception. . . 4.2820

Definition. . . 14.0125

False advertising. . . 4.2820

AGENCY

Business relationship with agency. . . 14.0460

Defined. . . 14.0140

Principal. . . 14.3140

AGREED FACTS

Generally. . . 12.3500

AGRICULTURAL TERRORISM

Definition. . . 7.2940; 7.2940a

AIDING OFFENSES

Burden of proof. . . 2.1600

Contributing to delinquency of minor (See MINORS)

Elements of offense. . . 2.1600

Murder, attempted. . . 2.1800

AIDS (See HIV)

AIRCRAFT

Unmanned aerial vehicle (See UNMANNED AERIAL VEHICLE)

Weapons, possession of deadly. . . 7.2580

ALCOHOL

Abuser of

Definition. . . 14.0160

Handguns, prohibition of sale or transfer of. . . 7.2000

Beverages, alcoholic

Defined. . . 14.0180

Minors, furnishing to. . . 7.5000; 14.2620

Intoxication (See INTOXICATION)

Screening test, interference with

Generally. . . 4.9060

Device or substance used for, possession of. . . 4.9040

ALIBI

Burden of proof. . . 10.2000

Defense. . . 10.2000

Definition. . . 10.2000

ALIENS

Defined. . . 14.0200

Firearm, unlawful possession of. . . 7.2750

Harboring an illegal alien. . . 5.6900

Transporting an illegal alien. . . 5.6800

ANIMALS

Abandonment of

Generally. . . 7.5200

Defined. . . 14.0020

Phase II. . . 15.8400

Beating

Generally. . . 7.5800

Defined. . . 14.0400

Phase II. . . 15.8300

Bestiality. . . 7.6300

Cruelty to

Beating (See subhead: Beating)

Bestiality. . . 7.6300

Class D felony. . . 15.8300

Domestic violence animal cruelty. . . 7.6180

Mutilation. . . 7.5840

Penalty enhancement for subsequent offense. . . 15.8300

Torture. . . 7.5840

Defense of reasonable conduct towards. . . 7.6140

Dogs (See DOGS)

[References are to sections]

Indiana Code—Cont.

Sec.	Text Sec.
46-1-21(a)	7.1260; 14.0125

Indiana Constitution

Art.:Sec.	Text Sec.
1:13	6.3600; 6.3640
1:14	13.2300

FEDERAL STATUTES, RULES, AND REGULATIONS**United States Constitution**

Amend.	Text Sec.
amend.:1	5.6800; 5.6900
amend.:5	13.2300
amend.:6	6.3600; 6.3640

United States Code

Title:Sec.	Text Sec.
8:1101(a)	14.0200
8:1611	14.1640
8:1611(c)	14.3920
8:1621	14.3920

United States Code—Cont.

Title:Sec.	Text Sec.
12:1422	14.3900
18:922(y)(2)	7.2750
21:353	14.2470
21:355	14.0781
26:501(c)(3)	7.1980; 7.2020; 7.1980a
42:7412(r)	14.2360
42:9831	14.3560
43:1601	3.4700; 7.1600
48:1681	14.3920
49:30125	14.3880

Code of Federal Regulations

Title:Sec.	Text Sec.
14:107.3	14.4365
21:1271	7.6800; 7.6900
42:400.203	4.5420
42:1000	4.5960
42:1000 to 1007	4.5960
42:1000.30	4.5960
42:1002.30	4.5420
42:1002.301	4.5960

INDEX

[References are to Instruction Numbers.]

A

ABANDONMENT DEFENSE

Burden of proof. . . 10.1800

ABDUCTION (See KIDNAPPING)

ACCESS

Definition. . . 14.0040

ACCIDENTS

Defense

Burden of proof. . . 10.1900

Definition. . . 10.1900

Failure to act as required after. . . 7.3700; 14.1520;
15.6800

Leaving the scene of an accident involving other persons. . . 7.3740

ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) (See HIV)

ACQUITTALS

Generally. . . 16.0500

Not guilty by reason of insanity. . . 16.0700

ADMINISTER

Definition. . . 14.0060

ADMISSIONS

Codefendants (See CO-DEFENDANTS, subhead: Confessions or admissions)

Voluntariness. . . 12.0300

ADOPTION

Advertising, unauthorized adoption. . . 7.1260

Deception, adoption. . . 7.1250

Profiting from

Burden of proof. . . 7.1200

Deception. . . 7.1250

Defenses. . . 7.1240

Elements of offense. . . 7.1200

ADOPTIVE GRANDPARENT

Definition. . . 14.0080

ADOPTIVE PARENT

Definition. . . 14.0100

ADVERTISING

Adoption advertising, unauthorized. . . 7.1260

Deception. . . 4.2820

Definition. . . 14.0125

False advertising. . . 4.2820

AGENCY

Business relationship with agency. . . 14.0460

Defined. . . 14.0140

Principal. . . 14.3140

AGREED FACTS

Generally. . . 12.3500

AGRICULTURAL TERRORISM

Definition. . . 7.2940; 7.2940a

AIDING OFFENSES

Burden of proof. . . 2.1600

Contributing to delinquency of minor (See MINORS)

Elements of offense. . . 2.1600

Murder, attempted. . . 2.1800

AIDS (See HIV)

AIRCRAFT

Unmanned aerial vehicle (See UNMANNED AERIAL VEHICLE)

Weapons, possession of deadly. . . 7.2580

ALCOHOL

Abuser of

Definition. . . 14.0160

Handguns, prohibition of sale or transfer of. . . 7.2000

Beverages, alcoholic

Defined. . . 14.0180

Minors, furnishing to. . . 7.5000; 14.2620

Intoxication (See INTOXICATION)

Screening test, interference with

Generally. . . 4.9060

Device or substance used for, possession of. . . 4.9040

ALIBI

Burden of proof. . . 10.2000

Defense. . . 10.2000

Definition. . . 10.2000

ALIENS

Defined. . . 14.0200

Firearm, unlawful possession of. . . 7.2750

Harboring an illegal alien. . . 5.6900

Transporting an illegal alien. . . 5.6800

ANIMALS

Abandonment of

Generally. . . 7.5200

Defined. . . 14.0020

Phase II. . . 15.8400

Beating

Generally. . . 7.5800

Defined. . . 14.0400

Phase II. . . 15.8300

Bestiality. . . 7.6300

Cruelty to

Beating (See subhead: Beating)

Bestiality. . . 7.6300

Class D felony. . . 15.8300

Domestic violence animal cruelty. . . 7.6180

Mutilation. . . 7.5840

Penalty enhancement for subsequent offense. . . 15.8300

Torture. . . 7.5840

Defense of reasonable conduct towards. . . 7.6140

Dogs (See DOGS)

[References are to Instruction Numbers.]

ANIMALS—Cont.**Domestic animal**

Defined. . . 14.1340

Domestic violence animal cruelty. . . 7.6180

Fighting contests**Attending contest**

Generally. . . 7.5460

Prior conviction relating to animals. . . 15.8740

With animal. . . 7.5380; 15.8400

Definition. . . 14.0240

Paraphernalia for fighting

Class A misdemeanor. . . 15.8700

Defined. . . 14.0260

Possession of. . . 7.5340

Possession of animals for. . . 7.5300

Prior conviction relating to animals. . . 15.8740

Promotion of. . . 7.5380; 7.5420

Using animal at. . . 7.5380

Intercourse with. . . 3.3940

Killing domestic animal. . . 7.6100

Law enforcement animals

Causing death of law enforcement animal by operating vehicle while intoxicated. . . 7.4280; 7.4280a

Defined. . . 14.2420

Mistreatment or interference with. . . 7.5600

Mutilation

Cruelty to animals. . . 7.5840

Defined. . . 14.2680

Neglect of

Generally. . . 7.5200

Defined. . . 14.2720

Phase II. . . 15.8400

Reasonable conduct defense. . . 7.6140

Search and rescue dog

Defined. . . 14.3600

Mistreatment or interference with. . . 7.5640

Service dog

Defined. . . 14.3800

Mistreatment or interference with. . . 7.5680

Torture

Cruelty to animals. . . 7.5840

Defined. . . 14.4240

ARMOR-PIERCING AMMUNITION

Definition. . . 14.0270

Delivery. . . 7.2760

Manufacture. . . 7.2760

Possession. . . 7.2760

Sale. . . 7.2760

ARREST**Force, use of**

Citizen's use of reasonable force. . . 10.1100

Law enforcement officer's use. . . 10.1200

ARSON**Damaging property**

Loss at least \$5,000. . . 4.0060

Property damage \$250 to \$5000. . . 4.0140

Dwelling

Damaging. . . 4.0020

Defined. . . 14.1400

Hire, for. . . 4.0100

Human life, endangering. . . 4.0040

ARSON—Cont.

Incendiary defined. . . 14.2200

Intent to defraud. . . 4.0120

Property defined. . . 14.3240

Religious worship, structure used for. . . 4.0080

ASSAULT WEAPONS

Defined. . . 14.0280

Minor, prohibited sale or transfer to. . . 7.1960; 7.1980

ASSISTING CRIMINALS

Burden of proof. . . 5.2100

Elements of offense. . . 5.2100

ATHLETIC CONTESTS**Bribery**

Bribing participant. . . 5.0300

Taking bribe, participant. . . 5.0320

ATTEMPTS TO COMMIT CRIMES

Abandonment defense. . . 10.1800

Burden of proof. . . 2.0100

Culpability defined. . . 9.0120

Defenses

Abandonment defense. . . 10.1800

Misapprehension of circumstances. . . 2.1000

Elements of offense. . . 2.0100

Included offense. . . 2.0400

Misapprehension of circumstances. . . 2.1000

Murder, attempted (See MURDER, subhead: Attempted murder)

ATTORNEYS' STATEMENTS

General instructions. . . 13.1900

AUTO PARTS

Component part defined. . . 14.0660

Receiving stolen auto parts

Generally. . . 4.1660

Sentence enhancement for. . . 15.3900

AUTO THEFT

Burden of proof. . . 4.1640

Component part defined. . . 14.0660

Control over property

Exert control over property. . . 14.1540

Unauthorized control over property. . . 14.4300

Elements of offense. . . 4.1640

Motor vehicle defined. . . 14.2660

Sentence enhancement for. . . 15.3900

B**BAD CHECKS**

Check deception (See CHECK DECEPTION)

BAIL AND RECOGNIZANCE

Failure to appear. . . 5.2600

BATTERY

Aggravated battery. . . 3.2000

Bifurcated trial

Generally. . . 15.2200

Nuisance, sentence enhancement for taking endangered adult or child to. . . 14.5800

[References are to Instruction Numbers.]

BATTERY—Cont.

Burden of proof

Aggravated battery. . . 3.2000

Sexual battery. . . 3.5400

Child to nuisance, sentence enhancement for taking endangered adult or child to. . . 14.5800

Definitions

Generally. . . 14.0300

Aggravated battery. . . 3.2000

Child. . . 14.0542

Disability, battery on person with. . . 3.1320

Domestic battery (See DOMESTIC BATTERY)

Endangered adult, of

Defined. . . 14.1480

Level 6 felony. . . 3.1360

Nuisance, sentence enhancement for taking endangered adult or child to. . . 14.5800

Felonious battery, class B (See subhead: Level 6 felony)

Foster family home. . . 3.1400

Less than fourteen years old, battery on person. . . 3.1280

Level 6 felony

Disability, battery on person with. . . 3.1320

Endangered adult, battery resulting in death of. . . 3.1360

Foster family home. . . 3.1400

Less than fourteen years old, battery on person. . . 3.1280

Public safety official, battery on. . . 3.1240

Misdemeanor battery. . . 3.1200

Public safety official, battery on. . . 3.1240

Second offense. . . 15.2200

Sexual battery. . . 3.5400

BIFURCATED TRIALS (See also specific offenses)Generally. . . 15.0020 *et seq.*

Death penalty cases (See DEATH PENALTY)

Habitual offenders (See HABITUAL OFFENDERS)

Life imprisonment without parole cases (See LIFE IMPRISONMENT WITHOUT PAROLE)

Unmanned aerial vehicle, sex offense by operating (See UNMANNED AERIAL VEHICLE, subhead: Bifurcated trials)

BIGAMY

Burden of proof. . . 7.0020

Elements of offense. . . 7.0020

BLOOD

Contaminated bodily fluids, transferring. . . 6.4700

BOATS

Intoxicated, operation of motorboat while

Generally. . . 7.3800; 7.3800a

Sentence enhancement for. . . 15.6900

BODILY FLUIDS

Contaminated fluids, transferring. . . 6.4700

BODILY INJURY

Definition. . . 14.0420

Operating of vehicle resulting in serious bodily injury (See OPERATION OF VEHICLE, subhead: Serious bodily injury, causing)

BODILY INJURY—Cont.

Serious bodily injury

Criminal recklessness. . . 14.3620

Definition. . . 14.3620

Firearm use in offense against person resulting in. . . 15.5180

Neglect of children resulting in (See DEPENDENT CHILDREN, subhead: Neglect of)

Operating of vehicle resulting in (See OPERATION OF VEHICLE, subhead: Serious bodily injury, causing)

BODY ARMOR

Unlawful use. . . 7.2780

BOMBS AND EXPLOSIVES

Booby trap

Definition. . . 14.0440

Deploying. . . 7.3400

Definitions

Booby trap. . . 14.0440

Detonator. . . 14.1140

Explosives. . . 14.1560

Hoax devices. . . 14.2040

Regulated explosive. . . 14.3460

Destructive device defined. . . 14.1120

Detonating destructive device

Definition of detonator. . . 14.1140

Elements. . . 7.3220

Distribution of

Definition. . . 14.1280

Felon, to. . . 7.3140

Minor, to. . . 7.3160

Explosives defined. . . 14.1560

False reporting. . . 5.1900

Felon, distribution of to. . . 7.3140

Hindering destructive device response. . . 7.3200

Hoax devices

Definition. . . 14.2040

Elements. . . 7.3180

Minor, distribution of to. . . 7.3160

Overpressure device, use of

Definition. . . 14.2840

Elements. . . 7.3240

Penalty enhancement for subsequent offense. . . 15.7600

Penalty enhancement for subsequent offense

Overpressure device, use of. . . 15.7600

Regulated explosive, possession of. . . 15.7500

Possession

Destructive device, of. . . 7.3100; 7.3220

Regulated explosive

Elements of possession. . . 7.3120

Penalty enhancement for subsequent offense. . . 15.7500

Regulated explosive

Definition. . . 14.3460

Felon, distribution of to. . . 7.3140

Possession of

Elements. . . 7.3120

Penalty enhancement for subsequent offense. . . 15.7500

[References are to Instruction Numbers.]

BOOKMAKING (See GAMBLING, subhead: Professional gambling)

BREAKING AND ENTERING

Burglary. . . 4.1100
Criminal trespass. . . 4.1320
Defined. . . 14.0450
Dwelling defined. . . 14.1400

BRIBERY

Athletic contests
 Bribing participant. . . 5.0300
 Taking bribe, participant. . . 5.0320
Informant
 Bribing. . . 5.0520
 Taking bribe. . . 5.0500
Property defined. . . 14.3240
Public servants (See PUBLIC SERVANTS)
Witness
 Bribing. . . 5.0520
 Taking bribe. . . 5.0500

BRIDGES

Overpass mischief. . . 3.6100

BULLETPROOF VESTS

Unlawful use of body armor. . . 7.2780

BURDEN OF PROOF

Aiding, inducing or causing offense. . . 2.1600
Alibi. . . 10.2000
Assisting criminals. . . 5.2100
Attempts to commit crimes. . . 2.0100
Auto theft. . . 4.1640
Battery (See BATTERY)
Bigamy. . . 7.0020
Burglary. . . 4.1100
Check deception. . . 4.4400
Child molesting. . . 3.3300
Computer trespass. . . 4.1360
Conspiracy. . . 2.1200
Counterfeiting. . . 4.2430
Domestic battery. . . 3.1900; 3.1900a
Drug paraphernalia, possession of. . . 8.5400
Female genital mutilation. . . 3.5450
Fleeing from law enforcement officer. . . 5.3040;
 5.3040a
Forgery. . . 4.2600
Harboring terrorist. . . 7.2920
Kidnapping. . . 3.2500; 3.2500a
Murder (See MURDER)
Operation of vehicle
 Controlled substance, with. . . 7.3980; 7.3980a;
 15.1290
 Eight-hundredths gram of alcohol, blood/breath alcohol level of. . . 7.3900; 7.3900a
 Intoxicated, while. . . 7.3900; 7.3900a; 7.4200;
 7.4200a
Organized theft. . . 4.1610
Parental kidnapping. . . 3.2700
Prohibited area, entering. . . 5.3070
Prostitution (See PROSTITUTION)
Receiving stolen auto parts. . . 4.1660
Rioting. . . 6.0020

BURDEN OF PROOF—Cont.

Robbery. . . 3.5700
Sexual battery. . . 3.5400
Sexual gratification, vicarious (See SEXUAL GRATIFICATION, VICARIOUS)
Sexual misconduct (See SEXUAL MISCONDUCT)
Stalking. . . 6.2800
Suicide
 Assisting suicide. . . 3.0340
 Causing suicide. . . 3.0300
Supporting terrorist act. . . 7.2910
Synthetic identity deception. . . 4.2960
Terrorism. . . 7.2900; 7.2900a
Terrorist organization activity. . . 7.2930
Theft. . . 4.1600
Traffic, obstruction of. . . 3.2300; 5.2800
Valuable metal dealer. . . 4.1650
Vehicle, fleeing from. . . 5.3060
Voyeurism. . . 6.0800

BURGLARY

Burden of proof. . . 4.1100
Dwelling defined. . . 14.1400
Elements of offense. . . 4.1100

BUSINESS RELATIONSHIP WITH AGENCY

Definition. . . 14.0460

C

CABLE TELEVISION

Defrauding cable TV provider. . . 4.2860
Sale or distribution of cable TV devices. . . 4.4520

CAMERA

Defined. . . 14.0480

CAPITAL CASES

Sentencing. . . 13.3500

CAPITAL PUNISHMENT (See DEATH PENALTY)

CARD SKIMMING DEVICE, POSSESSION OF

Definitions. . . 14.0500

CAREER CRIMINALS (See HABITUAL OFFENDERS)

CAUSE OF DEATH

Definition. . . 14.0520
Firearm use in offense against person as. . . 15.5180
Involuntary manslaughter (See MANSLAUGHTER, subhead: Involuntary manslaughter)
Murder (See MURDER)

CELLULAR COMMUNICATIONS DEVICES

Prison inmates, trafficking with. . . 5.3900

CEMETERY

Damage to monuments or grave markers. . . 4.0500
Mischief. . . 4.0480

CHARGED OFFENSE

Elements. . . 13.3900

[References are to Instruction Numbers.]

CHECK DECEPTION

Burden of proof. . . 4.4400
 Defenses. . . 4.4400
 Elements of offense. . . 4.4400
 Forgery. . . 4.2600

CHECK FRAUD

False information. . . 4.8020
 Insufficient deposits. . . 4.8040
 Multiple accounts. . . 4.8060

CHEMICAL MANUFACTURING FACILITY

Key facility defined. . . 14.2360

CHILD ABUSE

Definition. . . 14.1350
 Obstruction of justice. . . 5.1685

CHILD CARE WORKER

Definition. . . 14.0560
 Reckless supervision by a child care provider. . . 7.0700

CHILD CUSTODY

Interference with custody. . . 3.2700

CHILD EXPLOITATION

Computer. . . 3.4260; 3.4380
 Disseminating. . . 3.4220; 3.4340; 14.1240
 Exhibiting matter. . . 3.4340
 Incident. . . 3.4300
 Managing. . . 3.4180
 Matter defined. . . 14.2560
 Offender who may not enter school property defined. . . 14.3625
 Performance. . . 3.4300; 14.2980
 Producing. . . 3.4180
 Sexting defense. . . 3.4700
 Travelling, substantial step of. . . 2.0800

CHILD MOLESTING

Belief as to age. . . 3.3380
 Burden of proof. . . 3.3300
 Children under 14 years of age
 Fondling or touching. . . 3.3340
 Sexual intercourse or other sexual conduct. . . 3.3300
 Class A felony. . . 3.3300
 Class B felony. . . 3.3300
 Defenses. . . 3.3300; 3.3340; 3.3380
 Defined. . . 3.3300
 Elements. . . 3.3300
 Fondling or touching of children under 14 years of age. . . 3.3340
 Offender who may not enter school property defined. . . 14.3625
 Sexual intercourse. . . 14.3680
 Sexual misconduct with minor (See SEXUAL MISCONDUCT, subhead: Minor, intercourse or sexual conduct with)
 Travelling, substantial step of. . . 2.0800

CHILD PORNOGRAPHY

Possession of
 Generally. . . 3.4600

CHILD PORNOGRAPHY—Cont.

Possession of—Cont.
 Offender who may not enter school property defined. . . 14.3625
 Sexting defense. . . 3.4700
 Travelling, substantial step of. . . 2.0800

CHILDREN (See also MINORS)

Dependent (See DEPENDENT CHILDREN)
 Discipline of child as defense, reasonable. . . 10.0200
 Lifetime parole violation, contact with child or victim (See LIFETIME PAROLE VIOLATION)
 Offender against children under I.C. 35-42-4-11. . . 14.2740
 Sexual trafficking (See MINORS)
 Unlawful employment near children by sexual predator - prior conviction (See SEXUAL OFFENSES)

CHILD SEDUCTION

Adoptive parent defined. . . 14.0100
 Burden of proof. . . 3.5200
 Custodian defined. . . 14.0990
 Defined. . . 3.5200; 3.5240; 3.5240a
 Elements of offense. . . 3.5200
 Military recruiter defined. . . 14.2600
 Offender who may not enter school property defined. . . 14.3625
 Professional relationship, existence of. . . 3.5240; 3.5240a
 Sexual intercourse defined. . . 14.3680
 Stepparent defined. . . 14.3940
 Travelling, substantial step of. . . 2.0800

CHILD SELLING

Burden of proof. . . 7.0500
 Dependent defined. . . 14.1100
 Elements of offense. . . 7.0500
 Exception. . . 7.0540

CHILD SOLICITATION

Fourteen to fifteen years of age, victim. . . 3.4140; 15.2640
 Fourteen years of age, victim less than. . . 3.4100; 15.2600
 Offender who may not enter school property defined. . . 14.3625
 Solicit, defined. . . 14.3860

CIRCUMSTANTIAL EVIDENCE

Definition. . . 12.0100

CITIZENSHIP

False verification of. . . 5.6600

CLAIM STATEMENT

Defined. . . 14.0580

CLONING

Elements of offense. . . 7.6700

COCAINE

Bifurcated trials
 Dealing in cocaine or a narcotic drug. . . 15.5000
 Possession of cocaine or a narcotic drug. . . 15.5200
 Dealing in. . . 8.0100

[References are to Instruction Numbers.]

COCAINE—Cont.

Definition. . . 14.0600

Possession of

Generally. . . 8.2500

Manufacture or finance manufacture, with intent

to. . . 8.0150

CO-DEFENDANTS

Admissions (See subhead: Confessions or admissions)

Confessions or admissions

Generally. . . 12.0500

Separate consideration. . . 12.0700

Voluntariness. . . 12.0300

Conspiracy. . . 12.0300

Preliminary instruction on separate consideration

of. . . 1.2300

Separate consideration

Confession or admission. . . 12.0700

Preliminary instruction. . . 1.2300

COERCION

Obstruction of justice. . . 5.1600

COMPONENT PART

Definition. . . 14.0660

COMPUTERS

Intellectual property, offense against. . . 4.0920

Networks

Access defined. . . 14.0040

Data defined. . . 14.1000

Definition. . . 14.0680

Programs. . . 14.0700

Systems, computer

Access defined. . . 14.0040

Data defined. . . 14.1000

Definition. . . 14.0680

Tampering

Access defined. . . 14.0040

Data defined. . . 14.1000

Network defined. . . 14.0680

Program defined. . . 14.0700

Transaction manipulation device, unlawful sale or pos-

session of. . . 4.4200

Trespass against

Access defined. . . 14.0040

Burden of proof. . . 4.1360

Elements of offense. . . 4.1360

Network defined. . . 14.0680

Users, offense against computer. . . 4.0940

CONFESSIONS

Multiple defendants (See CO-DEFENDANTS)

Voluntariness. . . 12.0300

CONFINE

Definition. . . 14.0720

CONFLICTS OF INTEREST

Official misconduct. . . 5.0020

Public servants. . . 5.1000

CONSPIRACY

Abandonment defense. . . 10.1800

Burden of proof. . . 2.1200

CONSPIRACY—Cont.

Co-defendants. . . 12.0300

Defenses

Abandonment defense. . . 10.1800

Nonmeritorious defenses. . . 2.1400

Defined. . . 2.1200

Elements of offense. . . 2.1200

Nonmeritorious defenses. . . 2.1400

Person defined. . . 14.3000

CONSUMER PRODUCT TAMPERING

Consumer. . . 14.0740

Definition of consumer product. . . 14.0760

False reporting. . . 5.1900

Labeling

Definition. . . 14.2400

Elements. . . 6.2040

Poison, introduction of. . . 6.2000

CONTROLLED SUBSTANCES

Abusers or addicts (See DRUG ABUSERS)

Bifurcated trials

Dealing in controlled substances

Cocaine or narcotic drug. . . 15.5000

Marijuana, hash oil, hashish, or sal-

via. . . 15.5600

Methamphetamines. . . 15.5040

Schedule I, II, or III controlled sub-

stance. . . 15.5080

Schedule IV controlled substance. . . 15.5120

Schedule V controlled substance. . . 15.5160

Synthetic drug or synthetic drug lookalike sub-

stance. . . 15.5640; 15.5680

False labeling. . . 15.5940

Misrepresentation, possession of controlled substance

by. . . 15.5900

Possession of controlled substances

Generally. . . 15.5280

Cocaine or narcotic drug. . . 15.5200

Marijuana, hash oil, hashish, or sal-

via. . . 15.5720

Methamphetamines. . . 15.5240

Synthetic drug or synthetic drug lookalike sub-

stance. . . 15.5760

Cocaine (See COCAINE)

Contributing to delinquency of minor for dealing, deliv-

ering, manufacturing. . . 7.1040

Counterfeit substance. . . 14.0860

Counterfeit substance, dealing in. . . 8.2200

Counterfeit trademarking. . . 8.9200

Criminal mischief. . . 4.0465

Dealing in drugs

Cocaine. . . 8.0100

Contributing to delinquency of minor for dealing,

delivering, manufacturing. . . 7.1040

Hashish. . . 8.5700

Hash oil. . . 8.5700

Marijuana. . . 8.5700

Methamphetamine. . . 8.0300

Nitrous oxide, using or distributing. . . 7.7200

Practitioner, by. . . 8.0200; 8.9300

Prison inmate outside facility, trafficking

with. . . 5.4300

[References are to Instruction Numbers.]

CONTROLLED SUBSTANCES—Cont.**Dealing in drugs—Cont.**

- Prison inmates, trafficking with. . . 5.3900
- Schedule I, II or III controlled substance. . . 8.0800;
8.0800a
- Schedule I, II or III resulting in death. . . 8.0900
- Schedule I or II narcotic drug. . . 8.0100
- Schedule IV controlled substance. . . 8.1000;
8.1000a
- Schedule IV resulting in death. . . 8.1100
- Schedule V controlled substance. . . 8.1200;
8.1200a
- Schedule V resulting in death. . . 8.1300
- Sentence enhancement for (See subhead: Bifurcated trials)
- Substance represented to be controlled substance. . . 8.1800
- Synthetic drug or synthetic drug lookalike substance
 - Dealing in. . . 8.6000; 8.6200
 - Defined. . . 14.4020
 - Penalty enhancement for subsequent offenses. . . 15.5640
 - Possession of. . . 8.6700

Death, resulting in

- Schedule I, II or III controlled substance. . . 8.0900
- Schedule IV controlled substance. . . 8.1100
- Schedule V controlled substance. . . 8.1300

Deception

- Counterfeit substance. . . 14.0860
- Counterfeit trademarking. . . 8.9200
- False documentation. . . 8.9000
- False labeling of controlled substance
 - Elements of offense. . . 8.9600
 - Penalty enhancement for subsequent offenses. . . 15.5940

Misrepresentation, possession of controlled substance by

- Elements of offense. . . 8.9400
- Penalty enhancement for subsequent offenses. . . 15.5900

Prescription pads, unlawful duplication of

- Elements. . . 8.9800
- Penalty enhancement for subsequent offenses. . . 15.5980

Registration number, use of fictitious. . . 8.8800**Substance represented to be controlled substance**

- Dealing in substance. . . 8.1800
- Manufacture or distribution. . . 8.1900

Defense to maintaining common nuisance. . . 8.7650**Definitions**

- Administer. . . 14.0060
- Controlled substance
 - Generally. . . 14.0780
 - Analog. . . 14.0781
- Counterfeit substance. . . 14.0860
- Counterfeit trademarking. . . 8.9200
- Defense to maintaining common nuisance. . . 8.7650
- Delivery. . . 14.1060
- Dispense. . . 14.1200
- Distribute. . . 14.1260
- Drug. . . 14.1360
- Drug abuser. . . 14.1380

CONTROLLED SUBSTANCES—Cont.**Definitions—Cont.**

- Hashish
 - Dealing in. . . 8.5700
 - Possession of. . . 8.6500
 - Hash oil
 - Dealing in. . . 8.5700
 - Possession of. . . 8.6500
 - Labeling, false. . . 8.9600
 - Manufacture. . . 14.2520
 - Misrepresentation, possession of controlled substance by. . . 8.9400
 - Narcotic drug
 - Generally. . . 14.2700
 - Dealing in. . . 8.0100
 - Possession of. . . 8.2500
 - Nuisance, maintaining common. . . 8.7600
 - Practitioner
 - Generally. . . 14.3080
 - Legend Drug Act. . . 14.3081
 - Production. . . 14.3180
 - Registration and control
 - Distribution in violation of provisions. . . 8.7800
 - Distribution without order form. . . 8.8600
 - Document, failure to. . . 8.8200
 - False documentation. . . 8.9000
 - Inspection, refusal of. . . 8.8400
 - Manufacture or distribution unauthorized by registration. . . 8.8000
 - Registration number, use of fictitious. . . 8.8800
 - Schedule I, II, III, or IV controlled substances, possession of. . . 8.3000; 8.3000a
 - Schedule I, II, or III controlled substance
 - Dealing in. . . 8.0800; 8.0800a
 - Resulting in death. . . 8.0900
 - Schedule I or II narcotic drug, dealing in. . . 8.0100
 - Schedule IV controlled substance
 - Dealing in. . . 8.1000
 - Resulting in death. . . 8.1100
 - Schedule V controlled substance
 - Possession of. . . 8.3300
 - Resulting in death. . . 8.1300
 - Screening test for drug or alcohol use. . . 14.1382
 - Substance represented to be controlled substance
 - Dealing in substance represented to be controlled substance. . . 8.1800
 - Manufacture or distribution of substance represented to be controlled substance. . . 8.1900; 8.2000
 - Ultimate user. . . 14.4280
- Distribution**
- Contributing to delinquency of minor for dealing, delivering, manufacturing. . . 7.1040
 - Order form, without. . . 8.8600
 - Registration and control provisions, in violation of. . . 8.7800
 - Substance represented to be controlled substance, of. . . 8.1900; 8.2000
 - Unauthorized by registration. . . 8.8000
- Drug paraphernalia (See DRUG PARAPHERNALIA)**
- Dumping controlled substance waste. . . 8.1500
 - Firearm, use or possession of. . . 15.5170
 - Glue sniffing, model glue defined. . . 14.2640

[References are to Instruction Numbers.]

CONTROLLED SUBSTANCES—Cont.

Habitual offenders (See subhead: Penalty enhancements as to habitual substance offenders)
 Hashish (See HASHISH)
 Hash oil (See HASH OIL)
 Inspections, refusal of. . . 8.8400
 Labeling, false
 Elements of offense. . . 8.9600
 Penalty enhancement for subsequent offenses. . . 15.5940
 Legend drug
 Definition. . . 14.2470
 Practitioner defined under Legend Drug Act. . . 14.3081
 Unlawful possession of. . . 8.6700
 Manufacture
 Ammonia or solution
 Definition. . . 14.0220
 Possession of ammonia with intent to manufacture methamphetamine. . . 8.3700
 Contributing to delinquency of minor for dealing, delivering, manufacturing. . . 7.1040
 Definition. . . 14.2520
 Drug paraphernalia (See DRUG PARAPHERNALIA)
 Intent to
 Ammonia with intent to manufacture methamphetamine, possession of. . . 8.3700
 Reagents or precursors, possession of. . . 8.3900
 Methamphetamine (See Methamphetamine, subhead: Manufacture)
 Precursors
 Possession of precursors with intent to manufacture controlled substance. . . 8.3900
 Sale of, unlawful. . . 8.4500
 Reagents or precursors with intent to manufacture controlled substance, possession of. . . 8.3900
 Substance represented to be controlled substance. . . 8.1900; 8.2000
 Unauthorized by registration. . . 8.8000
 Marijuana (See MARIJUANA)
 Methamphetamine (See METHAMPHETAMINE)
 Minor, exposure of. . . 8.7400
 Misrepresentation, possession of controlled substance
 Elements of offense. . . 8.9400
 Penalty enhancement for subsequent offenses. . . 15.5900
 Model glue. . . 14.2640
 Narcotic drug
 Bifurcated trials
 Dealing in cocaine or a narcotic drug. . . 15.5000
 Possession of cocaine or a narcotic drug. . . 15.5200
 Dealing in. . . 8.0100
 Definition. . . 14.2700
 Possession of. . . 8.0150; 8.2500
 Nitrous oxide, using or distributing. . . 7.7200
 Operating under the influence of alcohol or drugs (See OPERATION OF VEHICLE, subhead: Controlled substance, with)
 Paraphernalia (See DRUG PARAPHERNALIA)

CONTROLLED SUBSTANCES—Cont.

Penalty enhancements as to habitual substance offenders
 False labeling of controlled substances. . . 15.5940
 Misrepresentation, acquiring possession by. . . 15.5900
 Operating under the influence of alcohol or drugs. . . 15.6100; 15.6300; 15.6350
 Prescription pads, unlawful duplication of. . . 15.5980
 Vehicular substance offenders. . . 15.1290
 Possession of drugs
 Cocaine. . . 8.0150; 8.2500
 Ephedrine. . . 8.4100
 Hashish. . . 8.6500
 Hash oil. . . 8.6500
 Injection device, unlawful possession of. . . 8.7100
 Legend drug, unlawful possession of. . . 8.6700
 Manufacture or finance manufacture, with intent to. . . 8.0150
 Marijuana. . . 8.6500
 Misrepresentation, acquiring controlled substance by
 Elements of offense. . . 8.9400
 Penalty enhancement for subsequent offenses. . . 15.5900
 Narcotic drug. . . 8.0150; 8.2500
 Phenylpropanolamine. . . 8.4100
 Precursors
 Generally. . . 8.4700
 Manufacture, intent to. . . 8.3900
 Pseudoephedrine. . . 8.4100
 Reagents/precursors with intent to manufacture. . . 8.3900
 Schedule I, II, III or IV controlled substance. . . 8.3000; 8.3000a
 Schedule V substance. . . 8.3300
 Synthetic drug or synthetic drug lookalike substance. . . 8.6700
 Practitioner defined
 Generally. . . 14.3080
 Legend Drug Act. . . 14.3081
 Prescription drugs, interference with delivery or administration of. . . 6.5400
 Prescription pads, unlawful duplication of. . . 8.9800; 15.5980
 Prison inmate outside facility, trafficking with. . . 5.4300
 Prison inmates, trafficking with. . . 5.3900
 Production defined. . . 14.3180
 Registration and control
 Distribution
 Order form, without. . . 8.8600
 Violation of provisions, in. . . 8.7800
 Document, failure to. . . 8.8200
 False documentation. . . 8.9000
 Inspection, refusal of. . . 8.8400
 Manufacture or distribution unauthorized by registration. . . 8.8000
 Registration number, use of fictitious. . . 8.8800
 Robbery, pharmacy. . . 3.5750
 Salvia (See SALVIA)
 Schedule I, II, III or IV controlled substance, possession of. . . 8.3000; 8.3000a

[References are to Instruction Numbers.]

CONTROLLED SUBSTANCES—Cont.

- Schedule I, II or III controlled substance
 - Dealing in. . . 8.0800; 8.0800a
 - Resulting in death. . . 8.0900
- Schedule I or II narcotic drug, dealing in. . . 8.0100
- Schedule IV controlled substance
 - Dealing in. . . 8.1000a
 - Resulting in death. . . 8.1100
- Schedule V controlled substance
 - Dealing in. . . 8.1200; 8.1200a
 - Possession of. . . 8.3300
 - Resulting in death. . . 8.1300
- Screening test, interference with
 - Generally. . . 4.9060
 - Device or substance used for, possession of. . . 4.9040
- Substance represented to be controlled substance
 - Dealing in substance represented to be controlled substance. . . 8.1800
 - Manufacture or distribution. . . 8.1900; 8.2000
- Ultimate user. . . 14.4280
- Vehicular substance offenders, habitual. . . 15.1290
- Waste, dumping controlled substance. . . 8.1500

CONVERSION

- Borrower, conversion by. . . 4.1940
- Burden of proof. . . 4.1900
- Control over property
 - Exert control over property. . . 14.1540
 - Unauthorized control over property. . . 14.4300
- Criminal conversion. . . 4.1900
- Elements of offense. . . 4.1900
- Property defined. . . 14.3240
- Title insurance escrow funds (See **TITLE INSURANCE**, subhead: Conversion or misappropriation of title insurance escrow funds)

CORPSES

- Abuse of. . . 6.3000

CORRECTIONAL PROFESSIONALS

- Definitions
 - Generally. . . 14.0800
 - Corrections officer. . . 14.0820

CORRUPT BUSINESS INFLUENCE

- Enterprise defined. . . 14.1500
- Racketeering activity
 - Definition. . . 14.3400
 - Pattern of racketeering activity. . . 14.2900

COUNTERFEITING

- Burden of proof. . . 4.2430
- Controlled substances, deception as to (See **CONTROLLED SUBSTANCES**, subhead: Deception)
- Defined. . . 4.2430
- Government-issued identification, counterfeited. . . 4.2640
- Making or uttering. . . 4.2400
- Possessing counterfeit written instrument. . . 4.2420
- Trademarks. . . 8.9200
- Welfare fraud. . . 4.4860

CREDIT CARD

- Definition. . . 14.0880

CREDIT CARD—Cont.

- Fraud (See **CREDIT CARD FRAUD**)

CREDIT CARD FRAUD

- Credit card defined. . . 14.0880
- Credit card holder defined. . . 14.0900
- Elements. . . 4.3100
- Failing to furnish property. . . 4.3120
- Furnish property with intent to defraud. . . 4.3140
- Property. . . 14.3240
- Selling or receiving. . . 4.3160
- Skimming device, possession of card. . . 4.3360
- Unlawful security. . . 4.3180

CREDIT CARD HOLDER

- Definition. . . 14.0900

CREDIT INSTITUTION

- Definition. . . 14.0920
- State or federally chartered or federally insured financial institution. . . 14.3900

CRIME

- Definition. . . 14.0940

CRIMINAL CONFINEMENT

- Burden of proof. . . 3.2540; 3.2540a
- Defined. . . 3.2540; 3.2540a
- Elements of offense. . . 3.2540; 3.2540a
- Firearms, use of. . . 15.5180

CRIMINAL CONVERSION

- Burden of proof. . . 4.1900
- Control over property
 - Exert control over property. . . 14.1540
 - Unauthorized control over property. . . 14.4300
- Elements of offense. . . 4.1900
- Motor vehicle for crime. . . 4.1920

CRIMINAL MISCHIEF

- Controlled substances. . . 4.0465
- Damaging property
 - Class A misdemeanor. . . 4.0420
 - Class B misdemeanor. . . 4.0400
 - Level 6 felony. . . 4.0440
- Institutional criminal mischief. . . 4.0460
- Property defined. . . 14.3240
- Scientific research facility defined. . . 14.3580

CRIMINAL ORGANIZATION

- Burden of proof. . . 6.2300
- Defined. . . 14.0960
- Elements of offense. . . 6.2300
- Enhancement for. . . 15.1900; 15.1940
- Intimidation. . . 6.2340
- Recruitment. . . 6.2380

CRIMINAL RECKLESSNESS

- Generally. . . 3.2100; 3.2100a
- Defined. . . 3.2100; 3.2100a
- Hazing. . . 14.2020
- Negligent vs. recklessly. . . 3.2100; 3.2100a
- Risk only. . . 14.0420
- Serious bodily injury. . . 14.3620

[References are to Instruction Numbers.]

CRIMINAL TRESPASS

Denied entry. . . 14.1080

Dwellings

Definition. . . 14.1400

Entering dwelling. . . 4.1320

Property

Definition. . . 14.3240

Possession of property, interference with. . . 4.1300

Real property (See subhead: Real property)

Real property

Entering real property. . . 4.1120

Refusing to leave. . . 4.1160

Vacant property. . . 4.1143

Scientific research facility defined. . . 14.3580

Sentence enhancement for. . . 15.3000

Train travel without consent. . . 4.1340

Vacant property. . . 4.1143

Vehicles. . . 4.1180

CURTILAGE

Definition. . . 14.0980

CUSTODIAN

Definition. . . 14.0990

D**DATA**

Definition. . . 14.1000

DATE OF CRIME CHARGED

Generally. . . 12.2900

DEADLY FORCE

Definition. . . 14.1020

DEADLY WEAPON

Definition. . . 14.1040

DEATH PENALTY

Generally. . . 15.0880

Aggravated circumstances

Charge. . . 15.0020; 15.0100

Finding of. . . 16.1500

Mitigating circumstances and aggravating circumstances

Distinguishing between. . . 15.0200; 15.0640

Weighing and balancing. . . 15.0680; 16.1700

Not found. . . 16.1600

Alternative sentence. . . 15.0480

Burden of proof. . . 15.0060

Charge. . . 15.0020; 15.0100

Commutation. . . 15.0840

Definitional instructions, reading of. . . 15.0140; 15.0520

Evidence, consideration of. . . 15.0060

Jury

Deliberations. . . 15.0920

Instruction as a whole, consideration of. . . 15.0360

Law and facts, determination of. . . 15.0320; 15.0400

Questions. . . 15.0920

DEATH PENALTY—Cont.**Mitigating circumstances****Aggravating circumstances and mitigating circumstances**

Distinguishing between. . . 15.0200; 15.0640

Weighing and balancing of. . . 15.0680; 16.1700

Non-statutory. . . 15.0600

Preponderance of evidence. . . 15.0180; 15.0560

Statutory. . . 15.0600

Pardon. . . 15.0840

Reprieve. . . 15.0840

Sentence. . . 15.0720

Sentencing alternative. . . 15.0480

Unanimity on findings. . . 15.0240; 15.0440

Verdicts

Nonrecommendation of death penalty. . . 16.1700

Recommendation of death penalty. . . 16.1800

Returning of. . . 15.0920

Weight of jury recommendation. . . 15.0280

DECEPTION

Adoption deception. . . 7.1250

Cable TV provider, defrauding. . . 4.2860

Check deception (See CHECK DECEPTION)

Controlled substances (See CONTROLLED SUBSTANCES)

Credit card fraud (See CREDIT CARD FRAUD)

Defrauding financial institutions (See FINANCIAL INSTITUTIONS)

Deposits in insolvent institution. . . 4.2660

Disadvantaged business enterprise, false representation as. . . 4.2900

False advertising. . . 4.2820

False statements. . . 4.2680

False weights or measures. . . 4.2720

Forgery. . . 4.2600

Fraud (See FRAUD)

Government contract, unlawful procurement of. . . 4.2880

Home improvement fraud (See HOME IMPROVEMENT FRAUD)

Identity deception (See IDENTITY DECEPTION)

Misapplication of property. . . 4.2700

Physician, misrepresentation as. . . 4.2840

Slugs, depositing or possessing. . . 4.2780; 4.2800

Terroristic deception. . . 4.2940; 4.2940a

Utilities, fraudulently obtaining. . . 4.2740

Welfare fraud (See WELFARE FRAUD)

Women-owned business enterprise

Definition. . . 14.4500

False representation. . . 4.2900

DEFENSES

Abandonment. . . 10.1800

Accident. . . 10.1900

Adoption of children, profiting from. . . 7.1240

Alibi. . . 10.2000

Animals, reasonable conduct towards. . . 7.6140

Check deception. . . 4.4400

Child molesting. . . 3.3300; 3.3340

Child selling, exception to. . . 7.0540

Conspiracy

Abandonment defense. . . 10.1800

[References are to Instruction Numbers.]

DEFENSES—Cont.**Conspiracy—Cont.**

Nonmeritorious defenses. . . 2.1400

Dependent children

Neglect, spiritual treatment defense to charge of. . . 7.0380

Non-support (See **DEPENDENT CHILDREN**, subhead: Non-support)

Selling, exception to. . . 7.0540

Duress. . . 10.1600

Entrapment. . . 10.1700

Faith healing

Neglect of dependent. . . 7.0380

Non-support of dependent child. . . 7.0760

Female genital mutilation. . . 3.5450

Force, use of (See **FORCE**)Handguns (See **HANDGUNS**)

Incest. . . 7.0140

Insanity (See **INSANITY DEFENSE**)

Interfering with public safety. . . 5.3080

Intoxication

Involuntary intoxication. . . 10.1300

Voluntary intoxication. . . 10.1400

Involuntary intoxication. . . 10.1300

Legal authority. . . 10.0100

Mistake of fact. . . 10.1500

Necessity. . . 10.2100

Neglect of dependent, religious practice as defense to. . . 7.0380

Non-support (See **NON-SUPPORT**)**Religious practice**

Freedom defense. . . 3.5055

Neglect of dependent. . . 7.0380

Non-support of dependent child. . . 7.0760

Self-defense (See **SELF-DEFENSE**)

Sexting defense. . . 3.4700

Sexual misconduct with minor (See **SEXUAL MISCONDUCT**, subhead: Minor, intercourse or sexual conduct with)**DEFINITIONS**

Abandon. . . 14.0020

Abandoned structure. . . 14.0025

Access. . . 14.0040

Accident. . . 10.1900

Administer. . . 14.0060

Adoption of children, profiting from. . . 7.1200

Adoptive grandparent. . . 14.0080

Adoptive parent. . . 14.0100

Adult. . . 14.0120

Advertising. . . 14.0125

Agency. . . 14.0140

Aggressive driving. . . 14.0142

Agricultural operation. . . 14.0145

Agricultural terrorism. . . 7.2940; 7.2940a

Alcohol abuser. . . 14.0160

Alibi. . . 10.2000

Alien. . . 14.0200

Altered property

Generally. . . 4.1620

Sentence enhancement for. . . 15.3200

Ammonia solution. . . 14.0220

Appear, failure to. . . 5.2600

DEFINITIONS—Cont.

Armor-piercing ammunition. . . 14.0270

Assault weapon. . . 14.0280

Assembly, unlawful. . . 14.4340

Assisting criminal. . . 5.2100

Attempt. . . 2.0100

Auto theft. . . 4.1640

Battery (See **BATTERY**, subhead: Definitions)

Bigamy. . . 7.0020

Bodily injury. . . 14.0420

Body armor, unlawful use. . . 7.2780

Bombs and explosives (See **BOMBS AND EXPLOSIVES**)

Booby trap. . . 14.0440

Breaking. . . 14.0450

Burglary. . . 4.1100

Business relationship with agency. . . 14.0460

Camera. . . 14.0480

Card skimming device. . . 14.0500

Catastrophic injury. . . 14.0510

Cause of death. . . 14.0520

Check deception. . . 4.4400

Child abuse. . . 14.1350

Children, offender against; I.C. 35-42-1-11. . . 14.2740

Child seduction. . . 3.5200; 3.5240; 3.5240a

Child sexual trafficking. . . 3.6500; 3.6800

Child sexual trafficking, promotion of. . . 3.6900

Child solicitation. . . 3.4100

Circumstantial evidence. . . 12.0100

Claim statement. . . 14.0580

Coercion. . . 5.1600

Coin machine. . . 14.0620

Communicates. . . 14.0640

Component part. . . 14.0660

Computer network. . . 14.0680

Computer program. . . 14.0700

Computer system. . . 14.0680

Computer trespass. . . 4.1360

Confine. . . 14.0720

Conflicts of interest. . . 5.1000

Conspiracy. . . 2.1200

Consumer. . . 14.0740

Consumer product

Generally. . . 14.0760

Tampering of. . . 6.2000

Consumer product tampering. . . 6.2040

Correctional professionals

Generally. . . 14.0800

Corrections officer. . . 14.0820

Counterfeit substance

Generally. . . 14.0860

Dealing in counterfeit substance. . . 8.9200

Counterfeit trademarking. . . 8.9200

Credit card. . . 14.0880

Credit card holder. . . 14.0900

Credit institution. . . 14.0920

Crime. . . 14.0940

Criminal confinement. . . 3.2540; 3.2540a

Criminal conversion. . . 4.1900

Criminal mischief (See **CRIMINAL MISCHIEF**)

Criminal organization. . . 14.0960

Criminal trespass (See **CRIMINAL TRESPASS**)

Culpability. . . 9.0120

[References are to Instruction Numbers.]

DEFINITIONS—Cont.

Curtilage. . . 14.0980
 Custodian. . . 14.0990
 Customer. . . 14.0992
 Damages to real property. . . 14.0995
 Dangerous control of child. . . 7.2080
 Data. . . 14.1000
 Data access. . . 14.0040
 Deadly force. . . 14.1020
 Deadly weapon. . . 14.1040
 Defacing of real property. . . 14.0995
 Defrauding financial institutions. . . 4.8000
 Delivery. . . 14.1060
 Denied entry. . . 14.1080
 Dependent. . . 14.1100
 Destructive device. . . 14.1120
 Detonator. . . 14.1140
 Direct evidence. . . 12.0100
 Disadvantaged business enterprise—
 Generally. . . 14.1160
 False representation. . . 4.2900
 Disorderly conduct. . . 6.0060
 Dispatched firefighter. . . 14.1180
 Dispense. . . 14.1200
 Dispenser. . . 14.1220
 Disseminate. . . 14.1240
 Distribute. . . 14.1260; 14.1290
 Distributor. . . 14.1300
 Divest. . . 14.1320
 DNA. . . 14.1330
 Dogs, failure to restrain. . . 6.2600
 Domestic battery. . . 3.1900; 3.1900a
 Domestic violence. . . 14.0945; 14.1350
 Drug or alcohol screening test. . . 14.1382
 Drug paraphernalia as described in I.C. 35-48-4-
 8.2. . . 14.2320
 Duress. . . 10.1600
 Dwelling. . . 14.1400
 Emergency incident area. . . 14.1420
 Emergency medical services person. . . 14.1435
 Emergency medical services provider. . . 14.1440
 Endangered adult
 Generally. . . 14.1460
 Battery, defined for purposes of. . . 14.1480
 Enterprise
 Generally. . . 14.1500
 Disadvantaged business enterprise. . . 14.1160
 Women-owned business enterprise. . . 14.4500
 Entrapment. . . 10.1700
 Entrusted. . . 14.1532
 Escape and failure to return. . . 5.3600
 Exert control over property. . . 14.1540
 Family housing complex. . . 14.1600
 Family or household member. . . 14.1605
 Fear. . . 14.1610
 Federal law enforcement officer. . . 14.1620
 Federal public benefit. . . 14.1640
 Felony. . . 14.0940
 Felony conviction. . . 14.1660
 Felony murder. . . 3.0140
 Felony terrorist offense. . . 14.4155
 Female genital mutilation. . . 3.5450; 14.1670
 Feticide. . . 3.0700

DEFINITIONS—Cont.

Fetus. . . 14.1680
 Financial institutions
 Generally. . . 14.1700
 State or federally chartered or federally in-
 sured. . . 14.0920; 14.3900
 Firearms (See FIREARMS)
 Fleeing
 Detention, from lawful. . . 5.3400
 Law enforcement officer, from. . . 5.3040; 5.3040a
 Vehicle. . . 5.3060
 Forcible felony. . . 14.1780
 Foreclosure, real property in. . . 14.3430
 Forgery. . . 4.2600
 Foster family home. . . 14.1790
 Funds. . . 14.1800
 Gain. . . 14.1820
 Gambling device. . . 14.1860
 Gambling information. . . 14.1880
 Ghost employment
 Employee. . . 5.0840
 Employer. . . 5.0800
 Governmental entity. . . 14.1900
 Habitual offenders. . . 15.1200
 Handgun, carrying without license. . . 7.1900
 Handguns (See HANDGUNS)
 Harassment. . . 14.2000
 Harbor. . . 14.1960
 Harboring terrorist. . . 7.2920
 Harm. . . 14.1980
 Hazing. . . 14.2020
 Health care provider. . . 14.106
 HIV. . . 14.1920
 Home improvement (See HOME IMPROVEMENT)
 Household member or family. . . 14.1605
 Human being. . . 14.2140
 Human reproductive material. . . 14.2150
 Human trafficking
 Generally. . . 3.6200; 3.6700
 Child sexual trafficking. . . 3.6500
 Child sexual trafficking, promotion of. . . 3.6800;
 3.6900
 Labor trafficking, promotion of. . . 3.6300
 Sexual trafficking, promotion of. . . 3.6400
 Identifying information. . . 14.2220
 Identity deception. . . 4.2920
 Impermissible contact. . . 14.2160
 Impersonating public servant. . . 5.2300
 Imprison. . . 14.2180
 Incendiary. . . 14.2200
 Incest. . . 7.0100
 Inference. . . 12.0100
 Insanity defense. . . 11.0700
 Insurance policy. . . 14.2260
 Insurer. . . 14.2280
 Intentionally. . . 9.0120
 Interference with custody. . . 3.2700
 Interfering with public safety. . . 5.3070
 Intimate image. . . 14.2290
 Intimidation. . . 6.0200
 Intoxicated. . . 14.2300
 Involuntary intoxication. . . 10.1300
 Involuntary manslaughter. . . 3.0800

[References are to Instruction Numbers.]

DEFINITIONS—Cont.

Jury tampering. . . 5.1680
 Juvenile facility. . . 14.2340
 Juvenile prostitution
 Generally. . . 14.2345
 Victim. . . 14.2347
 Kidnapping. . . 3.2500; 3.2500a
 Knife. . . 14.2380
 Knowingly. . . 9.0120
 Labeling. . . 14.2400
 Law enforcement animal. . . 14.2420
 Law enforcement officer. . . 14.2440
 Lawful detention. . . 14.2460
 Legal authority. . . 10.0100
 Legend drug. . . 14.2470
 Lifetime parole violation, contact with child or victim. . . 5.5900
 Loansharking. . . 6.1700
 Loss, pecuniary. . . 14.2923
 Machine guns. . . 14.2480
 Make. . . 14.2500
 Manufacture. . . 14.2520
 Marijuana. . . 14.2540
 Matter. . . 14.2560
 Mental disease or defect. . . 11.0700
 Mental health professional. . . 14.2580
 Mentally ill. . . 11.0300
 Metering device. . . 14.2582
 Methamphetamine possession. . . 8.2700
 Mistake of fact. . . 10.1500
 Model glue. . . 14.2640
 Motor vehicle. . . 14.2660
 Murder
 Generally. . . 3.0100
 Attempted. . . 2.0200
 Narcotic drug. . . 14.2700
 Neglect of dependent. . . 7.0300; 7.0300a
 Obstruction of traffic. . . 3.2300; 5.2800
 Offender
 Children, against; I.C. 35-42-1-11. . . 14.2740
 Evidentiary hearing, sexual predator based on; I.C. 35-38-1-7.5. . . 14.3780
 Previously unrelated adjudication and duty to register, sexual offense based on; I.C. 35-38-1-7.5. . . 14.3760
 Previously unrelated adjudication with determination of likely to offend again, sexual offense based on; I.C. 35-38-1-7.5. . . 14.3740
 School property, who may not enter. . . 14.3625
 Sexual offense with prior unrelated conviction, based on; I.C. 35-38-1-7.5. . . 14.3720
 Single sexual offense, based on; I.C. 35-38-1-7.5. . . 14.3700
 Offender who may not enter school property. . . 14.3625
 Offense. . . 14.2760
 Official misconduct. . . 5.0020
 Official proceeding. . . 14.2800
 Operating vehicle while intoxicated. . . 7.4200; 7.4200a
 Organized theft. . . 4.1610
 Other sexual conduct. . . 14.2815
 Overpass. . . 14.2820

DEFINITIONS—Cont.

Owned and controlled. . . 14.2860
 Parental kidnapping. . . 3.2700
 Parents
 Adoptive grandparent. . . 14.0080
 Adoptive parent. . . 14.0100
 Interference with custody. . . 3.2700
 Stepparent. . . 14.3940
 Pattern of racketeering activity. . . 14.2900
 Pecuniary. . . 14.2920
 Peep. . . 14.2940
 Penal facility. . . 14.2960
 Performance. . . 14.2980
 Perjury. . . 5.1400
 Person. . . 14.3000
 Person in a position of trust. . . 14.3055
 Pharmacy
 Generally. . . 14.3043
 Pharmacist defined. . . 14.3042
 Police officer. . . 14.3050
 Practitioner
 Generally. . . 14.3080
 Legend Drug Act. . . 14.3081
 Prescription drug. . . 14.3100
 Previous conviction of operating while intoxicated. . . 14.3120
 Principal. . . 14.3140
 Private area. . . 14.3160
 Production. . . 14.3180
 Professional relationship. . . 14.3200
 Profit. . . 14.3220
 Property (See PROPERTY)
 Prostitution (See PROSTITUTION)
 Proximate cause. . . 14.3260
 Public agency. . . 14.3270
 Public indecency. . . 6.0400
 Public nudity. . . 6.0440
 Public park. . . 14.3280
 Public relief or assistance. . . 14.3300
 Public servants. . . 14.3320; 14.3340
 Publish. . . 14.3360
 Racial minority group. . . 14.3380
 Racketeering activity. . . 14.3400
 Rape. . . 3.2900
 Rate. . . 14.3420
 Real property, vacant. . . 14.4395
 Receiving. . . 14.3440
 Receiving stolen property. . . 4.1660
 Reckless homicide. . . 3.1000
 Recklessly. . . 9.0120
 Recording. . . 14.3442
 Relative. . . 14.3470
 Removal of object from real property. . . 14.0995
 Rioting. . . 6.0020
 Robbery. . . 3.5700
 Salvia. . . 14.3500
 Sawed-off shotgun. . . 14.3520
 School bus. . . 14.3540
 School property. . . 14.3560
 Scientific research facility. . . 14.3580
 Self-dealing. . . 14.3610
 Serious bodily injury. . . 14.3620

[References are to Instruction Numbers.]

DEFINITIONS—Cont.

Service provider
 Generally. . . 14.3640
 Sexual misconduct by. . . 5.6200
 Sexual battery. . . 3.5400
 Sexual conduct. . . 14.3660
 Sexual intercourse. . . 14.3680
 Sexual misconduct
 Minor, with (See **SEXUAL MISCONDUCT**, subhead: Minor, intercourse or sexual conduct with)
 Service provider, by. . . 5.6200
 Sexual offenses
 Residency offense. . . 3.5000
 Unlawful employment near children by sexual predator with prior conviction. . . 3.4900; 15.2500
 Sexual trafficking, promotion of. . . 3.6400
 Shotgun. . . 14.3820
 Slug. . . 14.3822
 Social networking web site. . . 14.3840
 Solicit. . . 14.3860
 Special purpose bus. . . 14.3880
 Stalking. . . 6.2800
 State of local public benefit. . . 14.3920
 Stepparent. . . 14.3940
 Sudden heat. . . 14.3960
 Support. . . 14.3980
 Supporting terrorist act. . . 7.2910
 Synthetic drug lookalike substance. . . 14.4020
 Telecommunications (See **TELECOMMUNICATIONS**)
 Temporary insanity. . . 11.1100
 Terrorism. . . 7.2900; 7.2900a; 14.4100; 14.4100a
 Terroristic mischief. . . 7.2980; 7.2980a
 Terrorist organizations
 Generally. . . 14.4150
 Activity. . . 7.2930
 Theft. . . 4.1600
 Threat. . . 14.4120
 Threatens. . . 14.4140
 Timber. . . 14.4160
 Timber spiking. . . 4.9740
 Title insurance escrow funds, conversion or misappropriation of. . . 14.2880
 Torso. . . 14.4230
 Traffic, obstruction of. . . 3.2300; 5.2800
 Tumultuous conduct. . . 14.4260
 Ultimate user. . . 14.4280
 Unauthorized control over property. . . 14.4300
 Unconscionable home improvement contract. . . 14.4320
 Unlawful assembly. . . 14.4340
 Unlawful employment near children by sexual predator - prior conviction. . . 3.4900
 Unmanned aerial vehicle. . . 14.4365
 Utility. . . 14.4370
 Utter. . . 14.4380
 Vacant structure. . . 14.4397
 Valuable metal dealer. . . 4.1650
 Vehicle. . . 14.4440
 Vending machine. . . 14.4420
 Vicarious sexual gratification (See **SEXUAL GRATIFICATION, VICARIOUS**, subhead: Definitions)
 Victim. . . 14.4460
 Voluntary intoxication. . . 10.1400

DEFINITIONS—Cont.

Voluntary manslaughter. . . 3.0540
 Voyeurism. . . 6.0800
 Weapons (See **WEAPONS**)
 Women-owned business enterprise. . . 14.4500
 Written instrument. . . 14.4520
 Youth program center. . . 14.4540

DELIVERY

Definition. . . 14.1060

DENIED ENTRY

Definition. . . 14.1080

DEPENDENT

Adults, dependent or endangered (See **DEPENDENT OR ENDANGERED ADULT**)

Children (See **DEPENDENT CHILDREN**)

Definition. . . 14.1100

Neglect of. . . 7.0300; 7.0300a

DEPENDENT CHILDREN

Child care worker

Definition. . . 14.0560

Reckless supervision by a child care provider. . . 7.0700

Neglect of

Defense of religious practice. . . 7.0380

Defined. . . 7.0300; 7.0300a

Dependent defined. . . 14.1100

Elements of offense. . . 7.0300; 7.0300a

Emergency medical provider defense. . . 7.0340

Serious bodily injury, resulting in

Definition of "serious bodily injury". . . 14.3620

Elements of offense. . . 7.0300; 7.0300a

Support defined. . . 14.3980

Non-support

Burden of proof. . . 7.0720

Defenses

Child's abandonment of home. . . 7.0740

Inability to provide support. . . 7.0780

Spiritual treatment of child. . . 7.0760

Elements of offense. . . 7.0720

Sentence enhancement for. . . 15.4000

Support defined. . . 14.3980

Selling

Burden of proof

Generally. . . 7.0500

Disproving defense. . . 7.0540

Dependent defined. . . 14.1100

Elements of offense. . . 7.0500

Exception. . . 7.0540

DEPENDENT OR ENDANGERED ADULT

Exploitation of

Burden of proof. . . 7.1400; 15.4900

Elements. . . 7.1400

Second offense. . . 15.4900

Self-dealing with the property, recklessly engages. . . 7.1480

Social Security benefits, deprivation of. . . 7.1440

Uses or controls

Personal services. . . 7.1400; 7.1460

Property. . . 7.1400; 7.1460

[References are to Instruction Numbers.]

DEPOSITIONS

Generally. . . 12.4000

DETENTION (LAWFUL) OF PERSONS

Appear, failure to. . . 5.2600

Definition of "lawful detention". . . 14.2460

Escape and failure to return. . . 5.3600

DIRECT EVIDENCE

Definition. . . 12.0100

DISABLED PERSON

Battery of. . . 3.1320

DISADVANTAGED BUSINESS ENTERPRISES

Definition. . . 14.1160

False representation. . . 4.2900

DISARMING LAW ENFORCEMENT OFFICER

Definitions. . . 5.3200; 14.2780

DISORDERLY CONDUCT

Burden of proof. . . 6.0060

Defined. . . 6.0060

Elements of offense. . . 6.0060

DISPENSE

Definition. . . 14.1200

DISPENSER

Definition. . . 14.1220

DISSEMINATE

Definition. . . 14.1240

DISTRIBUTE

Definition. . . 14.1260

DISTRIBUTOR

Definition. . . 14.1300

DIVEST

Defined. . . 14.1320

DNA

Definition. . . 14.1330

Information, unauthorized use of. . . 7.7500

DOGS

Failure to restrain

Burden of proof. . . 6.2600

Class A misdemeanor. . . 15.8200

Class B misdemeanor. . . 15.8100

Elements of offense. . . 6.2600

Non-immunized dog, harboring. . . 7.1800

Sentence enhancement for. . . 15.8100; 15.8200

DOMESTIC BATTERY

Animal cruelty. . . 7.6180

Burden of proof. . . 3.1900; 3.1900a

Class A misdemeanor. . . 3.1900; 3.1900a

Class D misdemeanor. . . 3.1900

Definition. . . 3.1900; 3.1900a

Elements. . . 3.1900; 3.1900a

Firearm, unlawful possession of. . . 7.2755

Sentence enhancement for. . . 15.2240; 15.2240a;
15.2245**DOMESTIC VIOLENCE**

Animal cruelty. . . 7.6180

Definition. . . 14.0945; 14.1350

Obstruction of justice. . . 5.1685

DRIVER'S LICENSE

Application fraud. . . 4.2620

Suspended or revoked license while intoxicated or with
controlled substance, operating with

Generally. . . 15.6500

Death, habitual offender causing. . . 15.6550

DRUG ABUSERS

Definition. . . 14.1380

Habitual offenders (See CONTROLLED SUB-

STANCES, subhead: Penalty enhancements as to ha-
bitual substance offenders)

Handguns to, prohibited sale or transfer of. . . 7.2000

DRUG PARAPHERNALIA

Bifurcated trials

Dealing in paraphernalia. . . 15.5440

Manufacture of paraphernalia. . . 15.5400

Possession of paraphernalia. . . 15.5480

Dealing in

Elements of offense. . . 8.5200

Penalty enhancement for subsequent of-
fenses. . . 15.5440

Definition. . . 14.2320

Injection device, unlawful possession of. . . 8.7100

Manufacture of

Elements of offense. . . 8.5000

Penalty enhancement for subsequent of-
fenses. . . 15.5400

Possession of

Burden of proof. . . 8.5400

Elements of offense. . . 8.5400

Injection device, unlawful possession of. . . 8.7100

Penalty enhancement for subsequent of-
fenses. . . 15.5480**DRUGS (See CONTROLLED SUBSTANCES)****DRUNK DRIVING**Operating vehicle while intoxicated (See OPERATION
OF VEHICLE, subhead: Intoxicated, while)**DURESS**

Burden of proof. . . 10.1600

Defense. . . 10.1600

Definition. . . 10.1600

DWELLING

Definition. . . 14.1400

E**ELECTRIC UTILITY FACILITY**

Key facility defined. . . 14.2360

EMERGENCY INCIDENT AREA

Definition. . . 14.1420

EMERGENCY MEDICAL SERVICES PERSON

Definition. . . 14.1435

[References are to Instruction Numbers.]

EMERGENCY MEDICAL SERVICES PROVIDER

Definition. . . 14.1440

ENDANGERED ADULT

Battery of

Definition. . . 14.1480

Level 6 felony; death of endangered adult. . . 3.1360

Definition

Generally. . . 14.1460

Battery, for purposes of. . . 14.1480

Nuisance, sentence enhancement for taking endangered adult to. . . 14.5800

ENTRAPMENT

Burden of proof. . . 10.1700

Defense. . . 10.1700

Definition. . . 10.1700; 14.1520

ESCAPE

Failure to return. . . 5.3600

Flight. . . 5.3400

Force to prevent, use of

Citizen's use of reasonable force. . . 10.1100

Law enforcement officer's use. . . 10.1200

Home detention, from. . . 5.3500

ESCROW FUNDTitle insurance escrow fund (See **TITLE INSURANCE**, subhead: Conversion or misappropriation of title insurance escrow funds)**EVIDENCE**Admissions (See **ADMISSIONS**)

Agreed facts. . . 12.3500

Burden of proof (See **BURDEN OF PROOF**)

Circumstantial evidence. . . 12.0100

Confessions (See **CONFESSIONS**)

Constructing instructions as a whole. . . 13.0100

Date of crime charged. . . 12.2900

Depositions. . . 12.4000

Destroying evidence. . . 5.1640

Direct evidence defined. . . 12.0100

Expert witnesses (See **EXPERT WITNESSES**)

Falsifying evidence. . . 5.1660

Incorporation of evidence. . . 15.1400

Inference defined. . . 12.0100

Inspection of place, view of scene. . . 12.4300

Intoxication, prima facie evidence of. . . 7.4240

Judicially noticed facts. . . 12.3700

Motive. . . 12.1900

Obstruction of justice

Destroying evidence. . . 5.1640

Falsifying evidence. . . 5.1660

Opinions of lay persons. . . 12.2500

Other crimes evidence. . . 12.1500

Out-of-state defendants, statute of limitations. . . 12.3100

Presentation of evidence; preliminary instruction. . . 1.2500

Presumptions (See **PRESUMPTIONS**)

Prior crimes. . . 12.1000

Prior inconsistent statements. . . 12.1300

EVIDENCE—Cont.

Recalling evidence; preliminary instruction. . . 1.2100; 13.1300

Statute of limitations; defendant out-of-state. . . 12.3100

Stipulations on agreed facts. . . 12.3500

Transcript of testimony. . . 12.4000

View of scene. . . 12.4300

Witnesses (See **WITNESSES**)**EXERT CONTROL OVER PROPERTY**

Definition. . . 14.1540

EXPERT WITNESSES

Hypothetical questions. . . 12.2300

Insanity defense

Procedure. . . 11.1300

Weight of testimony. . . 11.1500

EXPLOSIVES (See BOMBS AND EXPLOSIVES)**F****FAITH HEALING**

Neglect of dependent, defense to. . . 7.0380

Non-support of dependent child, defense to. . . 7.0760

FALSE IMPRISONMENT

Criminal confinement. . . 3.2540

FALSE REPORTING

Generally. . . 5.1900

FAMILY HOUSING COMPLEX

Definition. . . 14.1600

FEAR

Definition. . . 14.1610

FEDERAL LAW ENFORCEMENT OFFICER

Definition. . . 14.1620

FEDERAL PUBLIC BENEFIT

Defined. . . 14.1640

FELONS

Handguns, prohibited sale or transfer of. . . 7.2000

FELONYBattery (See **BATTERY**)

Child molesting

Class A felony. . . 3.3300

Class B felony. . . 3.3300

Contributing to delinquency of minor (See **MINORS**, subhead: Contributing to delinquency of minor)

Conviction defined. . . 14.1660

Cruelty to animals; class D felony. . . 15.8300

Defined as crime. . . 14.0940

Forcible felony. . . 14.1780

Manslaughter (See **MANSLAUGHTER**)Murder (See **MURDER**)Operation of vehicle with controlled substances or alcohol (See **OPERATION OF VEHICLE**)

Pointing firearm; Class D felony. . . 7.2700

[References are to Instruction Numbers.]

FELONY—Cont.

Sexual misconduct with minor (See **SEXUAL MISCONDUCT**, subhead: Minor, intercourse or sexual conduct with)
 Terrorist offense. . . 15.8900

FEMALE GENITAL MUTILATION

Generally. . . 3.5450
 Definitions. . . 14.1670

FETICIDE

Burden of proof. . . 3.0700
 Elements of offense. . . 3.0700

FETUS

Definition. . . 14.1680
 Killing of. . . 3.0180

FIGHTING

Combative fights, promoting. . . 6.4400

FINANCIAL INSTITUTIONS

Definition
 Generally. . . 14.1700
 State or federally chartered or federally insured financial institution defined. . . 14.3900
 Defrauding
 Burden of proof. . . 4.8000
 Elements of offense. . . 4.8000
 State or federally chartered or federally insured financial institution defined. . . 14.3900

FIREARMS

Alien, unlawful possession by. . . 7.2750
 Altered, possession of. . . 7.2360
 Armor-piercing ammunition (See **ARMOR-PIERCING AMMUNITION**)
 Confiscated firearms, improper disposition of. . . 7.2380
 Controlled substance offense, use or possession of firearm in dealing in. . . 15.5170
 Criminal confinement, use in. . . 15.5180
 Dangerous control. . . 7.2060
 Dangerous control of child. . . 7.2080
 Dangerous possession
 Non-exempt purpose. . . 7.2020
 Providing to another child. . . 7.2040
 Deadly weapon. . . 14.1040
 Definitions
 Generally. . . 14.1720
 Sawed-off shotguns. . . 14.3520
 Shotgun. . . 14.3820
 Discharging firearm at police officer when committing offense. . . 15.5185
 Domestic batterer, unlawful possession by. . . 7.2755
 Handguns (See **HANDGUNS**)
 Identifying marks' alteration, removal or obliteration of. . . 7.2340
 Kidnapping, use in. . . 15.5180
 Machine guns (See **MACHINE GUNS**)
 Offense against person resulting in death or serious bodily injury, use in. . . 15.5180
 Pointing firearm
 Level 6 felony. . . 7.2700
 Police officer, at. . . 15.5185

FIREARMS—Cont.

Police officer, pointing or discharging firearm at. . . 15.5185
 Possession in violation of
 I.C. 35-47-4-5. . . 7.2740
 I.C. 35-47-4-9. . . 7.2745; 15.7000
 School property, functions or buses, possession on or at. . . 7.1940
 Shotguns (See **SHOTGUNS**)

FIREFIGHTER

Dispatched firefighter defined. . . 14.1180
 Insignia, unlawful manufacture or sale of fire. . . 5.2400
 Protective clothing/gear. . . 14.1760

FLEEING FROM LAWFUL DETENTION (See ESCAPE)**FLIGHT**

Burden of proof. . . 5.3040; 5.3040a
 Elements of offense. . . 5.3040; 5.3040a
 Law enforcement officer, from. . . 14.2440

FORCE

Aircraft, to protect. . . 10.0600
 Arrest or escape, use of force relating to
 Citizen's use of reasonable force. . . 10.1100
 Law enforcement officer's use. . . 10.1200
 Deadly force. . . 10.1000; 14.1020
 Dwelling, to protect. . . 10.0400; 10.0800
 Person, to protect. . . 10.0300; 10.1300
 Property, to protect. . . 10.0500; 10.0900
 Public servant, use of force against
 Deadly force. . . 10.1000
 Dwelling, to protect. . . 10.0800
 Person, to protect. . . 10.1300
 Property, to protect. . . 10.0900
 Resisting law enforcement. . . 5.3000; 5.3000a

FORCIBLE FELONY

Definition. . . 14.1780

FORGERY

Burden of proof. . . 4.2600
 Defined. . . 4.2600
 Elements of offense. . . 4.2600
 July 1, 2021 or after. . . 4.2600(a)
 Make. . . 14.2500
 Utter. . . 14.4380
 Written instrument. . . 14.4520

FOSTER FAMILY HOME

Battery. . . 3.1400
 Defined. . . 14.1790

FRAUD

Bifurcated trials. . . 15.3300
 Check fraud (See **CHECK FRAUD**)
 Credit card fraud (See **CREDIT CARD FRAUD**)
 Definition. . . 4.3000
 Disadvantaged business enterprises, false representation as. . . 4.2900
 Elements of offense. . . 4.3000

[References are to Instruction Numbers.]

FRAUD—Cont.Financial institutions, defrauding (See **FINANCIAL INSTITUTIONS**, subhead: Defrauding)Home improvement fraud (See **HOME IMPROVEMENT FRAUD**)

Inmate fraud. . . 4.9080

Insurance fraud (See **INSURANCE FRAUD**)Medicaid fraud (See **MEDICAID FRAUD**)Property (See **PROPERTY**)

Recordings. . . 4.3340

Sales document

Delivery of false. . . 4.2460

Making false. . . 4.9020

Possession of fraudulent

Generally. . . 4.2480

Manufacturing device. . . 4.9000

Welfare fraud (See **WELFARE FRAUD**)

Women-owned business enterprises

Definition. . . 14.4500

False representation. . . 4.2900

FUNDS

Definition. . . 14.1800

G**GAIN**

Definition. . . 14.1820

GAMBLING

Bifurcated trials

Generally. . . 15.4800

Maintaining a professional gambling site. . . 15.4840

Promoting professional gambling. . . 15.4880

Definition. . . 14.1840

Device, gambling

Definition. . . 14.1860

Promoting gambling, use in. . . 6.1160

Information, gambling

Definition. . . 14.1880

Promoting gambling, use in. . . 6.1200

Internet, professional gambling over

Generally. . . 6.1080

Maintaining a professional gambling site

Generally. . . 6.1120

Sentence enhancement for. . . 15.4840

Professional gambling

Definition of "gambling". . . 14.1840

Device defined, gambling. . . 14.1860

Elements. . . 6.1040

Information, gambling. . . 14.1880

Internet, professional gambling over (See subhead:

Internet, professional gambling over)

Profit defined. . . 14.3220

Promoting (See subhead: Promoting professional gambling)

Sentence enhancement for. . . 15.4800

Promoting professional gambling

Device, gambling. . . 6.1160

Information, gambling. . . 6.1200

Place, providing. . . 6.1240

Sentence enhancement for. . . 15.4880

GAMBLING—Cont.

Unlawful gambling. . . 6.1000

GHOST EMPLOYMENT

Employees

Nongovernmental duties, with. . . 5.0860

With no duties. . . 5.0840

Employers

Assigned nongovernmental duties. . . 5.0820

Who hired and assigned no duties. . . 5.0800

GLUE SNIFFING

Model glue defined. . . 14.2640

GOVERNMENTAL ENTITY

Contract, unlawful procurement of government. . . 4.2880

Definition. . . 14.1900

Public servants (See **PUBLIC SERVANTS**)**GRANDPARENTS**

Adoptive grandparents. . . 14.0080

GUNS (See FIREARMS)**H****HABITUAL OFFENDERS**Controlled substance offenders (See **CONTROLLED SUBSTANCES**, subhead: Penalty enhancements as to habitual substance offenders)

Definitions. . . 15.1200

Elements

Level 1, 2, 3, or 4 felony. . . 15.1240

Level 5 felony. . . 15.1260; 15.1265

Three prior unrelated felony convictions, any level felony charge with. . . 15.1280; 15.1285

Final instruction. . . 15.1000

Handguns

Carrying without license, penalty enhancement for. . . 15.7400

False or altered handgun license, using or attempting to use. . . 15.7400

Home improvement fraud, penalty enhancement for. . . 15.3400

Pardons. . . 15.1600

Preliminary instruction. . . 15.1000

Reversals. . . 15.1600

Vehicular offenders

Knowledge of suspension, presumption of. . . 7.4600

Operating motor vehicle in violation of restrictions. . . 7.4700

Operating motor vehicle while suspended. . . 7.4400; 15.6550

Validly suspended. . . 7.4500

Verdict forms

Extra priors are alleged, specific findings and verdict when. . . 16.1420

General verdict. . . 16.1400

Verdicts

General verdict. . . 16.0900

Not found habitual offender. . . 16.1300

Specific findings. . . 16.1100

[References are to Instruction Numbers.]

HABITUAL OFFENDERS—Cont.**Verdicts—Cont.**

Vehicular offenders (See subhead: Vehicular offenders)

HANDGUNS

Alcohol or drug abuser, prohibited sale or transfer to. . . 7.2000

Carrying without license

Bifurcated trials-Phase II. . . 15.7400

Burden of proof

Generally. . . 7.1900

Disproving defenses. . . 7.1920

Penalty enhancement for subsequent offenses. . . 15.7400

Defenses. . . 7.1920

Defined. . . 7.1900

Elements of offense. . . 7.1900

Habitual offenders, penalty enhancement for. . . 15.7400

Penalty enhancement for subsequent offenses. . . 15.7400

Controlled substance offense, use or possession of firearm in dealing in. . . 15.5170

Criminal confinement, use in. . . 15.5180

Dangerous control

Generally. . . 7.2060

Bifurcated trials-Phase II. . . 15.7200

Child, of

Generally. . . 7.2080

Bifurcated trials-Phase II. . . 15.7300

Dangerous possession

Bifurcated trials-Phase II. . . 15.7100

Non-exempt purpose. . . 7.2020

Providing to another child. . . 7.2040

Defenses

Carrying without license. . . 7.1920

Dangerous control. . . 7.2060

Dangerous possession. . . 7.2020

Definition. . . 14.1940

False or altered handgun license, using or attempting to use

Burden of proof. . . 7.2320

Class D felony. . . 15.7400

Elements of offense. . . 7.2320

Habitual offenders, penalty enhancement for. . . 15.7400

Penalty enhancement for subsequent offenses. . . 15.7400

Felons, prohibited sale or transfer to. . . 7.2000

Incompetent persons, prohibited sale or transfer to. . . 7.2000

Ineligible person, prohibited sale or transfer to. . . 7.2000a

Kidnapping, use in. . . 15.5180

Minors**Dangerous control**

Generally. . . 7.2060; 7.2080

Bifurcated trials-Phase II. . . 15.7300

Dangerous possession

Non-exempt purpose. . . 7.2020

Providing to another child. . . 7.2040

HANDGUNS—Cont.**Minors—Cont.**

Prohibited sale or transfer. . . 7.1960a; 7.1980; 7.1980a

Obtaining by false information. . . 7.2300

Offense against person resulting in death or serious bodily injury, use in. . . 15.5180

HARASSMENT

Definitions. . . 14.2000

Unmanned aerial vehicle

Bifurcated trials. . . 15.8840

Remote aerial harassment. . . 6.2850

HARBOR

Defined. . . 14.1960

HARM

Definition. . . 14.1980

HASHISH**Dealing in**

Generally. . . 8.5700

Sentence enhancement for. . . 15.5600

Possession of

Generally. . . 8.6500

Sentence enhancement for. . . 15.5720

HASH OIL**Dealing in**

Generally. . . 8.5700

Sentence enhancement for. . . 15.5600

Possession of

Generally. . . 8.6500

Sentence enhancement for. . . 15.5720

HAZING

Burden of proof. . . 3.2140

Criminal recklessness

Risk only. . . 14.0420

Serious bodily injury. . . 14.3620

Definition. . . 14.2020

Elements of offense. . . 3.2140

HEARSAY

Prior inconsistent statements. . . 12.1300

HEPATITIS B

Failing to comply with IC 16-41-7, recklessly violating or. . . 6.5000

HIV

Contaminated bodily fluids, transferring. . . 6.4700

Defined. . . 14.1920

Failing to comply with IC 16-41-7, recklessly violating or. . . 6.5000

HOME IMPROVEMENT**Contract**

Definition. . . 14.2080

Price. . . 14.2100

Unconscionable home improvement contract. . . 14.4320

Definition. . . 14.2060

Fraud (See HOME IMPROVEMENT FRAUD)

Supplier defined. . . 14.2120

[References are to Instruction Numbers.]

HOME IMPROVEMENT FRAUD

- Altered materials, use of. . . 4.9440
- Assumed name. . . 4.9400
- Class A misdemeanor, Class B raised to. . . 15.3400
- Deception. . . 4.9360
- Diluted materials, use of. . . 4.9440
- Failure to provide warranty. . . 4.9420
- False claim of referral, licensure, or permit. . . 4.9460
- False impression. . . 4.9320
- False promise. . . 4.9340
- Habitual offenders, penalty enhancement for. . . 15.3400
- Illegal practices to obtain home improvement contract. . . 4.9480
- Licensure, false claim of. . . 4.9460
- Misrepresentation. . . 4.9300
- Modified materials, use of. . . 4.9440
- Penalty enhancement for subsequent offenses. . . 15.3400
- Permit, false claim of. . . 4.9460
- Referral, false claim of. . . 4.9460
- Unconscionable home improvement contract. . . 4.9380; 14.4320
- Warranty, failure to provide. . . 4.9420

HOMICIDE (See also MURDER)

- Feticide. . . 3.0700
- Human being defined. . . 14.2140
- Insanity defense (See **INSANITY DEFENSE**)
- Manslaughter (See **MANSLAUGHTER**)
- Reckless homicide. . . 3.1000
- Territorial jurisdiction
 - Body found in Indiana; presumption of jurisdiction. . . 9.0060
 - Proof of. . . 9.0040

HUMAN BEING

- Definition. . . 14.2140

HUMAN TISSUE

- Cloning, unlawful. . . 7.6700
- Embryo, unlawful use of human. . . 7.6900
- Organism, unlawful transfer of human. . . 7.6800
- Unlawful transfer of. . . 7.6500

HUMAN TRAFFICKING

- Burden of proof. . . 3.6700
- Definitions (See **DEFINITIONS**)
- Elements of offense. . . 3.6700
- Promotion of (See **PROMOTION OF HUMAN TRAFFICKING**)
- Sexual trafficking of minors (See **MINORS**)

HUSBAND AND WIFE

- Bigamy. . . 7.0020
- Incest, defense of marital relationship to charge of. . . 7.0140
- Non-support
 - Burden of proof. . . 7.0900
 - Defense of inability to provide support. . . 7.0940
 - Elements of offense. . . 7.0900
 - Support defined. . . 14.3980

I**IDENTIFICATION**

- Altering of identification number
 - Generally. . . 4.9700
 - Product with altered number, possession of. . . 4.9720
- Counterfeit government-issued identification. . . 4.2640
- Information, identifying. . . 14.2220
- Offender's failure to possess. . . 5.6400; 15.4640
- State identification card, fraud in application for. . . 4.2620

IDENTITY DECEPTION

- Burden of proof. . . 4.2920
- Card skimming device, possession of (See **CARD SKIMMING DEVICE, POSSESSION OF**)
- Defined. . . 4.2920
- Elements of offense. . . 4.2920
- July 1, 2021 or after. . . 4.2920(a)
- Misrepresentation of Identity. . . 4.2760
- Synthetic identity deception. . . 4.2960; 14.4000

IMMIGRATION STATUS

- False verification of. . . 5.6600
- Harboring an illegal alien. . . 5.6900
- Transporting an illegal alien. . . 5.6800

IMPEACHMENT EVIDENCE (See EVIDENCE)**IMPERMISSIBLE CONTACT**

- Definitions. . . 14.2160

IMPERSONATING PUBLIC SERVANTS

- Elements of offense. . . 5.2300
- Insignia, unlawful manufacture or sale of police or fire. . . 5.2400
- Police officer. . . 5.2320
- Public servant. . . 5.2300

IMPRISON

- Definition. . . 14.2180

INCEST

- Burden of proof. . . 7.0100
- Defense of marital relationship. . . 7.0140
- Elements of offense. . . 7.0100

INCLUDED OFFENSES

- General instruction. . . 13.3700
- Attempt. . . 2.0400
- Elements. . . 13.4100

INCOMPETENT PERSONS

- Handguns, prohibited sale or transfer of. . . 7.2000

INDICTMENTS (See INFORMATION OR INDICTMENT)**INDUCING OFFENSES**

- Abandonment defense. . . 10.1800

INFERENCES

- Definition. . . 12.0100

[References are to Instruction Numbers.]

INFLAMMABLES (See BOMBS AND EXPLOSIVES)**INFORMANT**

Bribing. . . 5.0520
 Taking bribe. . . 5.0500

INFORMATION OR INDICTMENT

DNA, unauthorized use of. . . 7.7500
 Evidence, charge not; preliminary instruction. . . 1.1100; 13.0700
 Preliminary instructions
 Charge. . . 1.0700; 13.0500
 Not evidence, charge. . . 1.1100

INNOCENCE, PRESUMPTION OF

Burden of proof; preliminary instruction. . . 1.1300; 13.0900

INSANITY DEFENSE

Burden of proof
 Plea and burden of proof. . . 11.0500
 Preponderance of evidence. . . 11.0900
 Definitions
 Generally. . . 11.0700
 Mental disease or defect. . . 11.0700
 Mentally ill. . . 11.0300
 Expert witnesses
 Procedure. . . 11.1300
 Weight of testimony. . . 11.1500
 Guilty but mentally ill verdict, consequences of. . . 11.1700; 16.0300
 Mental disease or defect defined. . . 11.0700
 Mentally ill defined. . . 11.0300
 Murder; sample elements instruction. . . 11.0100
 Not guilty by reason of insanity
 Consequences of. . . 11.1700
 Verdict. . . 16.0700
 Plea and burden of proof. . . 11.0500
 Preponderance of evidence. . . 11.0900
 Temporary insanity. . . 11.1100

INSOLVENCY

Deposits in insolvent institution. . . 4.2660
 Insurer, risks for insolvent. . . 4.3840

INSPECTIONS

Controlled substances, refusal of inspection. . . 8.8400
 View of scene. . . 12.4300

INSTITUTIONAL CRIMINAL MISCHIEF

Burden of proof. . . 4.0460
 Elements of offense. . . 4.0460

INSURANCE FRAUD

Additional count filed by state. . . 15.3600
 Application fraud. . . 4.4020
 Assets of insurer
 Concealment. . . 4.3880
 Removal of. . . 4.3860
 Children's Health Insurance Program fraud
 Burden of proof. . . 4.5900
 Concealing information. . . 4.5980
 Defined. . . 4.5900
 Elements. . . 4.5900

INSURANCE FRAUD—Cont.

Children's Health Insurance Program fraud—Cont.
 False documents. . . 4.5960
 False statement to obtain payment, use of. . . 4.5920
 Intent to defraud. . . 4.5960
 Provider number. . . 4.5940
 Concealment of insurer's assets. . . 4.3880
 Diversion of funds. . . 4.4000
 False claims or statements
 Generally. . . 4.3800; 4.3820
 Children's Health Insurance Program fraud. . . 4.5920
 Insolvent insurer, risks for. . . 4.3840
 Removal of insurer's assets. . . 4.3860
 Title insurance escrow funds (See TITLE INSURANCE, subhead: Conversion or misappropriation of title insurance escrow funds)

INSURANCE POLICY

Defined. . . 14.2260

INSURER

Defined. . . 14.2280

INTELLECTUAL PROPERTY

Offense against. . . 4.0920

INTENT

Definition of intentionally. . . 9.0120
 Defraud, to
 Arson. . . 4.0120
 Children's Health Insurance Program fraud. . . 4.5960
 Controlled substances (See CONTROLLED SUBSTANCES)
 Transferred intent. . . 9.0140

INTERFERENCE WITH CUSTODY

Burden of proof. . . 3.2700
 Elements of offense. . . 3.2700

INTERNET

Gambling, professional
 Generally. . . 6.1080
 Maintaining a professional gambling site. . . 6.1120
 Sex offender
 Chat room defined. . . 14.2240
 Defined. . . 3.7100
 Instant messaging defined. . . 14.2240
 Prior offense. . . 15.2800
 Second offense. . . 15.2800
 Social networking web site, defined. . . 14.3840
 Social networking web site, defined. . . 14.3840

INTERPRETATION OF INSTRUCTIONS

General instructions to be considered as a whole. . . 13.0100
 Preliminary instructions to be considered as a whole. . . 1.0500

INTIMIDATION

Burden of proof. . . 6.0200
 Criminal organization intimidation. . . 6.2340
 Defined. . . 6.0200

[References are to Instruction Numbers.]

INTIMIDATION—Cont.

Elements of offense. . . 6.0200
 Forcible felony defined. . . 14.1780
 Second offense. . . 15.2400
 Sentence enhancement for. . . 15.2400
 Threat defined. . . 14.4120

INTOXICATION

Defined. . . 14.2300
 Evidence of intoxication. . . 7.4240
 Involuntary intoxication. . . 10.1300
 Operating vehicle while intoxicated (See OPERATION OF VEHICLE, subhead: Intoxicated, while)
 Voluntary intoxication. . . 10.1400

INVOLUNTARY INTOXICATION

Defense. . . 10.1300
 Definition. . . 10.1300

INVOLUNTARY MANSLAUGHTER (See MANSLAUGHTER, subhead: Involuntary manslaughter)**ISSUE FOR TRIAL**

General instruction. . . 1.0500

J**JAILS (See PENAL INSTITUTIONS)****JUDGES**

Duty of judge, instruction on. . . 13.0300

JUDICIALLY NOTICED FACTS

Generally. . . 12.3700

JURISDICTION

Territorial jurisdiction (See TERRITORIAL JURISDICTION)

JURORS' DUTY

General instruction. . . 1.0300
 Admonishment. . . 1.0100
 Preliminary instructions. . . 1.0300

JURY DELIBERATIONS

General instructions. . . 13.2700
 Alternate juror, duties of. . . 13.2900
 Breaks, admonition at. . . 13.4500
 Death penalty cases. . . 15.0920
 Unanimous decisions
 Crime, decision on. . . 13.3100
 Generic evidence of multiple acts, decision on. . . 13.3300

JURY TAMPERING

Obstruction of justice. . . 5.1680

JUSTIFICATION

Legal authority defined. . . 10.0100

JUVENILE FACILITY

Deadly weapon within penal or juvenile facility, possession of. . . 5.4200
 Defined. . . 14.2340

K**KEVLAR**

Unlawful use of body armor. . . 7.2780

KEY FACILITY

Defined. . . 14.2360

KIDNAPPING

Burden of proof. . . 3.2500; 3.2500a
 Definition. . . 3.2500; 3.2500a
 Elements of offense. . . 3.2500; 3.2500a
 Firearms, use of. . . 15.5180
 Parental kidnapping. . . 3.2700

KNIFE

Defined. . . 14.2380
 Prior conviction, possession on school property with. . . 15.7700
 School property, possession on. . . 7.3500; 14.2380; 15.7700

KNOWINGLY

Definitions. . . 9.0120

KNOWLEDGE

Juror's personal knowledge; preliminary instruction. . . 1.2700
 Suspension of driving privileges of habitual traffic offender, of. . . 7.4600

L**LABELING**

Consumer product tampering
 Definition of labeling. . . 14.2400
 Elements. . . 6.2040
 Controlled substance, false labeling of
 Elements of offense. . . 8.9600
 Penalty enhancement for subsequent offenses. . . 15.5940

LAW ENFORCEMENT OFFICER

Animals, law enforcement (See ANIMALS, subhead: Law enforcement animals)
 Definition. . . 14.2440; 14.2780
 Disarming. . . 5.3200; 14.2780
 Federal enforcement officer. . . 14.1620
 Fleeing from. . . 5.3040; 5.3040a
 Resisting
 Generally. . . 15.3700
 Fleeing from officer. . . 5.3040; 5.3040a
 Force, use of. . . 5.3000; 5.3000a
 Law enforcement officer defined. . . 14.2440
 Vehicle. . . 5.3060
 Vehicle, fleeing from. . . 5.3060

LEGAL AUTHORITY

Burden of proof. . . 10.0100
 Definition. . . 10.0100
 Justification. . . 10.0100

LIABILITY

Culpability. . . 9.0120

[References are to Instruction Numbers.]

LIABILITY—Cont.

Voluntary conduct

Generally. . . 9.0080

Possession of property. . . 9.0100

LIFE IMPRISONMENT WITHOUT PAROLE

Generally. . . 15.0800; 15.0880

Aggravated circumstances

Charge. . . 15.0020; 15.0100

Finding of. . . 16.1500

Mitigating circumstances and aggravating circumstances

Distinguishing between. . . 15.0200; 15.0640

Weighing and balancing. . . 15.0680; 16.1700

Not found. . . 16.1600

Alternative sentence. . . 15.0480

Burden of proof. . . 15.0060

Commutation. . . 15.0840

Credit for good behavior

Generally. . . 15.0760

Ineligibility for. . . 15.0800

Definitional instructions, reading of. . . 15.0140; 15.0520

Evidence, consideration of. . . 15.0060

Jury

Deliberations. . . 15.0920

Instruction as a whole, consideration of. . . 15.0360

Law and facts, determination of. . . 15.0320; 15.0400

Questions. . . 15.0920

Mitigating circumstances

Aggravating circumstances and mitigating circumstances

Distinguishing between. . . 15.0200; 15.0640

Weighing and balancing of. . . 15.0680; 16.1700

Non-statutory. . . 15.0600

Preponderance of evidence. . . 15.0180; 15.0560

Statutory. . . 15.0600

Pardon. . . 15.0840

Reprieve. . . 15.0840

Sentence. . . 15.0720

Unanimity on findings. . . 15.0240; 15.0440

Weight of jury recommendation. . . 15.0280

LIFETIME PAROLE VIOLATION

Contact with child or victim

Burden of proof. . . 5.5900

Defined. . . 5.5900

Elements of offense. . . 5.5900

Prior conviction. . . 15.4680

LIMITATION OF ACTIONS

Nonresident defendant. . . 12.3100

LOANSHARKING

Burden of proof. . . 6.1700

Elements of offense. . . 6.1700

Principal defined. . . 14.3140

Rate defined. . . 14.3420

M**MACHINE GUNS**

Generally. . . 14.2480

MACHINE GUNS—Cont.

Controlled substance offense, use or possession of firearm in dealing in. . . 15.5170

Criminal confinement, use in. . . 15.5180

Kidnapping, use in. . . 15.5180

Offense against person resulting in death or serious bodily injury, use in. . . 15.5180

Operating of loaded machine gun. . . 7.2560

Ownership. . . 7.2540

Possession. . . 7.2540

MAKE

Defined. . . 14.2500

MANSLAUGHTER

Burden of proof

Involuntary manslaughter. . . 3.0800

Voluntary manslaughter. . . 3.0500

Involuntary manslaughter

Burden of proof. . . 3.0800

Causation

Generally. . . 3.0840

Defined. . . 14.0520

Proximate cause. . . 14.3260

Defined. . . 3.0800

Elements of offense. . . 3.0800

Sudden heat defined. . . 14.3960

Voluntary manslaughter

Class A felony. . . 3.0500

Class B felony. . . 3.0500

Defined. . . 3.0540

Lesser offense. . . 3.0500

Principal charge. . . 3.0540

Sudden heat defined. . . 14.3960

MARIJUANA

Dealing in

Generally. . . 8.5700

Sentence enhancement for. . . 15.5600

Definition. . . 14.2540

Possession of

Generally. . . 8.6500

Sentence enhancement for. . . 15.5720

MATTER

Definition. . . 14.2560

MEDICAID FRAUD

Generally. . . 4.5200

Concealing information. . . 4.5600

False statements, payment by. . . 4.5220

Provider documents. . . 4.5420

Provider number. . . 4.5400

MEDICAL SERVICES

Prescription drugs, interference with delivery or administration of. . . 6.5400

MENTAL ILLNESS

Guilty but mentally ill, verdict of. . . 11.1700; 16.0300

Insanity defense (See **INSANITY DEFENSE**)

Mental health professional defined. . . 14.2580

METHAMPHETAMINE

Dealing in. . . 8.0300

[References are to Instruction Numbers.]

METHAMPHETAMINE—Cont.**Manufacture**

- Generally. . . 8.0400
- Ammonia, possession of. . . 8.3700
- Bifurcated trials. . . 15.5045

Possession

- Burden of proof. . . 8.2700
- Defined. . . 8.2700
- Elements of offense. . . 8.2700
- Possession of ammonia with intent to manufacture. . . 8.3700
- Sentence enhancement for. . . 15.5040

MILITARY RECRUITER

- Child seduction. . . 14.2600

MINORS (See also CHILDREN)

- Adoption, profiting from (See ADOPTION)
- Alcoholic beverage, furnishing of. . . 7.5000; 14.2620
- Battery on person less than fourteen years of age. . . 3.1280
- Child solicitation (See CHILD SOLICITATION)
- Contributing to delinquency of minor
 - Alcohol or drugs, furnishing. . . 7.1040
 - Burden of proof. . . 7.1000
 - Criminal act, enhancements for inducing. . . 7.1080
 - Drugs, furnishing. . . 7.1040
 - Elements. . . 7.1000
 - Felony. . . 7.1000
 - Misdemeanor. . . 7.1000
- Controlled substances, exposure of minor to. . . 8.7400

Definitions

- "Child". . . 14.0540
- Minor. . . 14.2620
- Dependent children (See DEPENDENT CHILDREN)
- Discipline of child as defense, reasonable. . . 10.0200
- Exploitation of (See CHILD EXPLOITATION)
- Explosive, distribution of. . . 7.3160
- Handguns (See HANDGUNS)
- Inappropriate communication with a child
 - Generally. . . 3.7500
 - Sentence enhancement for. . . 15.2900
- Molestation of (See CHILD MOLESTING)
- Nuisance, sentence enhancement for taking endangered adult or child to. . . 14.5800
- Pornography (See CHILD PORNOGRAPHY)
- Selling of (See CHILD SELLING)
- Sexual misconduct with (See SEXUAL MISCONDUCT, subhead: Minor, intercourse or sexual conduct with)
- Sexual trafficking of
 - Burden of proof. . . 3.6500
 - Defined. . . 3.6500
 - Elements of offense. . . 3.6500
 - Promotion of. . . 3.6800; 3.6900
- Vicarious sexual gratification. . . 3.3900; 14.3625
- Weapons, prohibited sale or transfer of. . . 7.1960; 7.1960a; 7.1980; 7.1980a

MISCHIEF

- Cave mischief. . . 4.0660
- Cemetery mischief. . . 4.0480
- Criminal mischief (See CRIMINAL MISCHIEF)
- Foreclosure mischief. . . 4.0470

MISCHIEF—Cont.**Malicious mischief**

- Bodily waste or blood, placing to have touched. . . 3.1700
- Elements of. . . 6.4000
- Food, with. . . 3.1740; 6.4040
- Placing to have touched bodily waste or blood. . . 3.1700
- Overpass mischief. . . 3.6100
- Railroad mischief (See RAILROAD MISCHIEF)
- Terrorist mischief. . . 7.2980; 7.2980a

MISTAKE OF FACT

- Burden of proof. . . 10.1500
- Defense. . . 10.1500
- Definition. . . 10.1500

MODEL GLUE

- Definition. . . 14.2640

MOLESTATION OF CHILDREN (See CHILD MOLESTING)**MONEY LAUNDERING**

- Elements of offense. . . 6.3600; 6.3640
- Funds, defined. . . 14.1800

MOTIVE

- Burden of proof. . . 12.1900

MOTOR VEHICLES

- Altered property, dealing in
 - Generally. . . 4.1620
 - Sentence enhancement for. . . 15.3200
- Auto parts, receiving stolen (See AUTO PARTS)
- Auto theft (See AUTO THEFT)
- Criminal conversion. . . 4.1920
- Criminal trespass. . . 4.1180
- Definition. . . 14.2660
- Obstruction of traffic (See TRAFFIC, subhead: Obstruction of)
- Operating vehicle (See OPERATION OF VEHICLE)
- School bus
 - Definition. . . 14.3540
 - Firearms on, possession of. . . 7.1940
- Unauthorized entry of motor vehicle. . . 4.1680
- Valuable metals defined. . . 14.4400

MURDER (See also HOMICIDE)

- Attempted murder
 - Burden of proof. . . 2.0200
 - Defined. . . 2.0200
 - Elements. . . 2.0200
 - Included offense. . . 2.0600
- Burden of proof
 - Generally. . . 3.0100; 11.0100
 - Attempted murder. . . 2.0200
 - Felony murder. . . 3.0140
 - Fetus, killing of. . . 3.0180
- Defined. . . 11.0100
- Elements
 - Generally. . . 3.0100
 - Attempted murder. . . 2.0200
 - Felony murder. . . 3.0140
 - Fetus, killing of. . . 3.0180

[References are to Instruction Numbers.]

MURDER (See also HOMICIDE)—Cont.

Elements—Cont.

Sample. . . 11.0100

Felony murder. . . 3.0140

Fetus

Feticide. . . 3.0700

Killing of. . . 3.0180

Insanity defense (See **INSANITY DEFENSE**)

Pregnancy termination

Committing or attempting to commit murder,
while. . . 15.2000

Feticide. . . 3.0700

Fetus attaining viability. . . 3.0700

Sentence. . . 15.0720

N**NARCOTICS (See CONTROLLED SUBSTANCES)****NATURAL GAS UTILITY FACILITY**

Key facility defined. . . 14.2360

NECESSITY

Defense. . . 10.2100

NEGLECT

Animals, of. . . 7.5200; 14.2720

Dependent, of (See **DEPENDENT CHILDREN**, sub-
head: Neglect of)**NITROUS OXIDE**

Using or distributing. . . 7.7200

NONRESIDENT DEFENDANTS

Statute of limitations. . . 12.3100

NON-SUPPORT

Definition of "support". . . 14.3980

Dependent children (See **DEPENDENT CHILDREN**,
subhead: Non-support)Husband and wife (See **HUSBAND AND WIFE**, sub-
head: Non-support)**NUISANCE**

Defense to maintaining common. . . 8.7650

Maintaining common. . . 8.7600

O**OBSTRUCTION OF JUSTICE**

Child abuse. . . 5.1685

Coercion. . . 5.1600

Domestic violence. . . 5.1685

Evidence

Destroying evidence. . . 5.1640

Falsifying evidence. . . 5.1660

Jury tampering. . . 5.1680

Official proceeding defined. . . 14.2800

Process, avoiding or disobeying. . . 5.1620

OFFENDERS

Children, against; I.C. 35-42-4-11. . . 14.2740

Definitions (See **DEFINITIONS**)Registered (See **REGISTERED OFFENDERS**)**OFFENDERS—Cont.**

School property, who may not enter

Defined. . . 14.3625

Unlawful entry by. . . 3.5050

OFFENSE

Definition. . . 14.2760

Terrorist, felony. . . 15.8900

OFFICIAL PROCEEDINGS

Definition. . . 14.2800

OPERATION OF VEHICLE

Aggressive driving. . . 14.0142

Controlled substance, with

Burden of proof. . . 7.3980; 7.3980a; 15.1290

Death, causing. . . 15.6350

Elements. . . 7.3980; 7.3980a; 15.1290

Penalty enhancement for subsequent of-
fense. . . 15.1290; 15.6100; 15.6300; 15.6300a;
15.6350Prior conviction. . . 15.6100; 15.6300; 15.6300a;
15.6350

Serious bodily injury, causing. . . 15.6300; 15.6300a

Suspended or revoked license, operating with

Generally. . . 15.6500

Death, habitual offender causing. . . 15.6550

Death, causing

Controlled substances, operating under influence
of. . . 15.6350Eight-hundredths gram of alcohol, operating with
blood/breath alcohol level of. . . 15.6350Fifteen-hundredths gram of alcohol, operating with
blood/breath alcohol level of. . . 15.6350

Habitual offender. . . 15.6550

Highway work zone causing death, reckless opera-
tion in. . . 7.4900

Intoxicated, operating while. . . 15.6350

Prior conviction. . . 15.6350

Serious bodily injury. . . 15.6800

Definition. . . 7.4200; 7.4200a

Eight-hundredths gram of alcohol, blood/breath alcohol
level of

Burden of proof. . . 7.3900; 7.3900a

Death, causing. . . 15.6350

Elements of. . . 7.3900; 7.3900a

Prior conviction. . . 15.6100; 15.6300; 15.6300a;
15.6350Serious bodily injury, operating vehicle under eight-
hundredths gram causing. . . 15.6300; 15.6300a

Suspended or revoked license, operating with

Generally. . . 15.6500

Death, habitual offender causing. . . 15.6550

Fifteen-hundredths gram of alcohol, blood/breath alco-
hol level ofDeath, operating blood/breath alcohol of fifteen-
hundredths gram causing. . . 15.6350

Elements of. . . 7.3940; 7.3940a

Level 6 felony. . . 7.3940; 7.3940a

Passenger under 18, with. . . 7.3940; 7.3940a

Prior conviction. . . 15.6100; 15.6300; 15.6300a;
15.6350

[References are to Instruction Numbers.]

OPERATION OF VEHICLE—Cont.

Fifteen-hundredths gram of alcohol, blood/breath alcohol level of—Cont.

Serious bodily injury, operating blood/breath alcohol of fifteen-hundredths gram causing. . . 15.6300; 15.6300a

Suspended or revoked license, operating with
Generally. . . 15.6500

Death, habitual offender causing. . . 15.6550

Habitual traffic violators (See **HABITUAL OFFENDERS**, subhead: Vehicular offenders)

Intoxicated, while

Burden of proof. . . 7.3900; 7.3900a; 7.4200; 7.4200a

Death, causing. . . 15.6350

Elements of. . . 7.4200; 7.4200a

Law enforcement animal, causing death of. . . 7.4280; 7.4280a

Motorboat, operation of

Generally. . . 7.3800; 7.3800a

Sentence enhancement for. . . 15.6900

Prior conviction. . . 14.3120; 15.6100; 15.6300; 15.6300a; 15.6350

Serious bodily injury, causing. . . 15.6300; 15.6300a

Suspended or revoked license, operating with
Generally. . . 15.6500

Death, habitual offender causing. . . 15.6550

License, driver's

Application fraud. . . 14.2620

Suspended or revoked license while intoxicated or with controlled substance, operating with
Generally. . . 15.6500

Death, habitual offender causing. . . 15.6550

Life, when driving privileges revoked for. . . 7.4800; 7.4800a

Metabolite, with. . . 7.3980; 7.3980a

Motorboat while intoxicated, operation of

Generally. . . 7.3800; 7.3800a

Sentence enhancement for. . . 15.6900

Serious bodily injury, causing

Generally. . . 7.3700

Controlled substances, operating under influence of. . . 15.6300; 15.6300a

Eight-hundredths gram of alcohol, operating with blood/breath alcohol level of. . . 15.6300; 15.6300a

Fifteenth hundredths gram of alcohol, operating with blood/breath alcohol level of. . . 15.6300; 15.6300a

Intoxicated, operating while. . . 15.6300; 15.6300a

Prior conviction. . . 15.6300; 15.6300a

Suspended or revoked license while intoxicated or with controlled substance, operating with
Generally. . . 15.6500

Death, habitual offender causing. . . 15.6550

Traffic violators (See **HABITUAL OFFENDERS**, subhead: Vehicular offenders)

Unmanned aerial vehicle offense, sex offender. . . 3.7150

OPINION TESTIMONY

Expert witnesses (See **EXPERT WITNESSES**)

Lay witnesses. . . 12.2500

OTHER CRIMES EVIDENCE

Generally. . . 12.1000

OVERPASS

Defined. . . 14.2820

OVERPASS MISCHIEF

Generally. . . 3.6100

OWNED AND CONTROLLED

Definition. . . 14.2860

P**PARAPHERNALIA**

Drug paraphernalia (See **DRUG PARAPHERNALIA**)

PARDONS

Death penalty or life imprisonment without parole. . . 15.0840

Habitual offenders. . . 15.1600

PARENTAL KIDNAPPING

Elements of offense. . . 3.2700

Interference with custody. . . 3.2700

PECUNIARY

Generally. . . 14.2920

Loss defined. . . 14.2923

PEEPING TOMS

Definition of "peep". . . 14.2940

Public indecency

Generally. . . 15.4300

Defined. . . 6.0400

Public voyeurism. . . 6.0840; 15.4240

Voyeurism. . . 6.0800

PENAL INSTITUTIONS

Deadly weapon within penal or juvenile facility, possession of. . . 5.4200

Definition of "penal facility". . . 14.2960

Escape and failure to return. . . 5.3600

Failure to appear. . . 5.2600

Inmate fraud. . . 4.9080

Possession of dangerous material by incarcerated person. . . 5.4400

Trafficking with inmate. . . 5.3900

Trafficking with inmate outside facility. . . 5.4300

PERFORMANCE

Definition. . . 14.2980

PERJURY

Burden of proof. . . 5.1400

Elements of offense. . . 5.1400

PERSON

Definition. . . 14.3000

Home improvement frauds, person defined in. . . 14.3040

PHARMACY

Definition. . . 14.3043

Pharmacist defined. . . 14.3042

Robbery. . . 3.5750

[References are to Instruction Numbers.]

PHOTOGRAPHY

Intimate images

Defined. . . 14.2290

Distribution of. . . 14.1290

Unauthorized distribution. . . 7.7450

Private property, unlawful photography and surveillance on. . . 7.7400

Unauthorized distribution of intimate images. . . 7.7450

POINTING FIREARM

Level 6 felony. . . 7.2700

Police officer, at. . . 15.5185

POLICE OFFICER

Definition. . . 14.3050

Impersonating. . . 5.2320

Insignia, unlawful manufacture or sale of police. . . 5.2400

Law enforcement officer defined as. . . 14.2440

Pointing or discharging firearm at officer when committing offense. . . 15.5185

POSSESSION

Actual. . . 14.3060

Armor-piercing ammunition (See **ARMOR-PIERCING AMMUNITION**)

Constructive. . . 14.3060

Controlled substances (See **CONTROLLED SUBSTANCES**)

Counterfeit written instrument. . . 4.2420

Defined. . . 14.3060

Joint. . . 14.3060

Property, of

Altered identification number possession of product with. . . 4.9720

Interference with possession. . . 4.1300

Voluntary conduct. . . 9.0100

Sole. . . 14.3060

PRACTITIONER

Controlled substance by, dealing in. . . 8.0200; 8.9300

Definition

Generally. . . 14.3080

Legend Drug Act. . . 14.3081

PREGNANCY TERMINATIONMurder (See **MURDER**)**PREJUDICE**

General instruction. . . 13.1500

PRELIMINARY INSTRUCTIONS

Admonishment to jurors. . . 1.0100

Burden of proof

Innocence, presumption of. . . 1.1300; 13.0900

Reasonable doubt standard. . . 1.1500; 13.1000

Co-defendants, separate consideration of. . . 1.2300

Conduct of trial. . . 1.2500

Crime definition. . . 1.0900

Information or indictment

Charge. . . 1.0700; 13.0500

Evidence of guilt, not considered. . . 1.1100; 13.0700

Innocence, presumption of. . . 1.1300; 13.0900

PRELIMINARY INSTRUCTIONS—Cont.

Interpretation of instructions to be considered as whole. . . 1.0500

Law and facts, determination of. . . 1.0300

Personal knowledge of juror. . . 1.2700

Questions by jurors. . . 1.2200

Reasonable doubt standard. . . 1.1500; 13.1000

Recalling evidence. . . 1.2100; 13.1300

Rulings of court. . . 1.1900

Statute defining crime charged. . . 1.0900

Witnesses, weighing credibility of. . . 1.1700; 13.1100

PRESCRIPTION DRUGS

Definition. . . 14.3100

PRESCRIPTION PADS

Unlawful duplication of prescription pads, penalty enhancement for subsequent offenses. . . 8.9800; 15.5980

PRESUMPTIONS

Innocence, of; preliminary instruction. . . 1.1300; 13.0900

PRINCIPAL

Definition. . . 14.3140

PRISONS AND PRISONERS (See **PENAL INSTITUTIONS)****PRIVACY**

Invasion of

Burden of proof. . . 7.1600; 7.1650

Elements. . . 7.1600; 7.1650

Photography and surveillance on private property, unlawful. . . 7.7400

Sentence enhancement for. . . 15.4100

PRIVATE AREA

Defined. . . 14.3160

PROCESS

Obstruction of justice. . . 5.1620

PROFESSIONAL GAMBLING (See **GAMBLING)****PROFIT**

Definition. . . 14.3220

PROFITEERING

Public servants. . . 5.1200

PROMOTION OF HUMAN TRAFFICKING

Burden of proof. . . 3.6300

Child sexual trafficking, promotion of. . . 3.6800; 3.6900

Defined. . . 3.6300

Elements of offense. . . 3.6300

Labor trafficking, promotion of. . . 3.6300

Minors (See **MINORS**, subhead: Sexual trafficking of)Sexual trafficking of minors (See **MINORS**)**PROPERTY**

Damages or defaces real property. . . 14.0995

Definition. . . 14.3240

Exert control over property. . . 14.1540

[References are to Instruction Numbers.]

PROPERTY—Cont.

Fraud

- Generally. . . 4.3300
- Concealment of property. . . 4.3322
- Damage of property. . . 4.3324
- Encumbrance of property. . . 4.3322
- Receiving unlawfully obtained property. . . 4.3320
- Transfer of property. . . 4.3322

Historic property, altering. . . 4.0900

Identification number, altering of product

- Generally. . . 4.9700
- Possession of product with altered number. . . 4.9720

Intellectual property, offense against. . . 4.0920

Mischief (See MISCHIEF)

Possession of

- Interference with. . . 4.1300
- Voluntary conduct. . . 9.0100

Receiving stolen property (See RECEIVING STOLEN PROPERTY)

Removes object permanently from real property. . . 14.0995

School property. . . 14.3560

Theft (See THEFT)

Unauthorized control over property. . . 14.4300

PROSECUTORS' COMMENTS

General instructions. . . 13.1900

PROSTITUTION

Burden of proof

- Generally. . . 6.0600
- Penalty enhancement for subsequent offenses. . . 15.4500
- Promoting prostitution. . . 6.0680
- Unlawful proposition, making. . . Subhead: Unlawful proposition, making

Elements of offense. . . 6.0600

Habitual offenders, penalty enhancement for. . . 15.4500

Juvenile prostitution

- Defined. . . 14.2345
- Victim. . . 14.2347

Promoting prostitution. . . 6.0680

Property defined. . . 14.3240

Sexual intercourse. . . 14.3680

Unlawful proposition, making

- Bifurcated trials. . . 15.4500
- Burden of proof. . . 6.0640
- Elements of offense. . . 6.0640

PROXIMATE CAUSE

Definition. . . 14.3260

PUBLIC BENEFIT

State of local public benefit defined. . . 14.3920

PUBLIC INDECENCY

Generally. . . 15.4300

Defined. . . 6.0400

PUBLIC NUDITY

Defined

- Generally. . . 6.0440
- Sentence enhancement for. . . 15.4340

PUBLIC PARK

Definition. . . 14.3280

PUBLIC RELIEF OR ASSISTANCE

Definition. . . 14.3300

Welfare fraud. . . 14.3300

PUBLIC SAFETY

Interfering with

- Generally. . . 5.3070
- Defense in. . . 5.3080

Prohibited area, entering. . . 5.3070

PUBLIC SERVANTS

Bribery

- Official misconduct. . . 5.0020
- Person bribing public servant. . . 5.0100
- Person with intent to control public servant. . . 5.0160
- Taking bribe, public servant. . . 5.0120
- Third person to control public servant, bribe to. . . 5.0140

Conflicts of interest. . . 5.1000

Definition. . . 14.3320

Depository rule, violation of. . . 5.7400

Ghost employment (See GHOST EMPLOYMENT)

Impersonating (See IMPERSONATING PUBLIC SERVANTS)

Official misconduct. . . 5.0020

Profiteering. . . 5.1200

PUBLISH

Generally. . . 14.3360

R

RACIAL MINORITY GROUP

Definition. . . 14.3380

RACKETEERING

Corrupt business influence (See CORRUPT BUSINESS INFLUENCE)

Definition. . . 14.3400

Pattern of racketeering activity. . . 14.2900

RAILROAD MISCHIEF

Locomotives and cars. . . 4.0520

Rail systems. . . 4.0560

Signal systems. . . 4.0540

RAPE

Burden of proof. . . 3.2900

Defined. . . 3.2900

Elements of offense. . . 3.2900

Sexual intercourse. . . 14.3680

RATE

Definition. . . 14.3400

REASONABLE DOUBT STANDARD

Definition. . . 1.1500; 13.1000

RECEIVING

Definition. . . 14.3440

Property with concealed or altered identification number. . . 4.9720

[References are to Instruction Numbers.]

RECEIVING STOLEN PROPERTY

Auto parts (See **AUTO PARTS**)
 Definition of "receiving". . . 14.3440
 Property defined. . . 14.3240

RECIDIVISTS (See HABITUAL OFFENDERS)**RECKLESS HOMICIDE**

Burden of proof. . . 3.1000
 Defined. . . 3.1000
 Elements of offense. . . 3.1000

RECKLESSLY

Definitions. . . 9.0120

REGISTERED OFFENDERS

Duty to register, sexual offense based on previously
 unrelated adjudication and; I.C. 35-38-1-
 7.5. . . 14.3760

Failure to register

Additional count filed by state. . . 15.4600
 In person. . . 5.5500
 Living in Indiana. . . 5.4800
 Misstatement on registration. . . 5.5400
 Omission on registration. . . 5.5400
 Property in Indiana. . . 5.4900
 School in Indiana. . . 5.5100
 Work in Indiana. . . 5.5000

Identification, failure of offender to possess. . . 5.6400;
 15.4640

Reside at registered address, failure to. . . 5.5600

School property, who may not enter

Defined. . . 14.3625
 Unlawful entry by. . . 3.5050

RELIGIOUS PRACTICE

Freedom defense. . . 3.5055
 Neglect of dependent, defense of spiritual treatment
 on. . . 7.0380
 Non-support of dependent child, defense of spiritual
 treatment on. . . 7.0740

REVERSALS

Habitual offenders. . . 15.1600

RIOTING

Burden of proof. . . 6.0020
 Defined. . . 6.0020
 Elements of offense. . . 6.0020
 Tumultuous conduct. . . 14.4260
 Unlawful assembly. . . 14.4340

ROBBERY

Burden of proof. . . 3.5700
 Definition. . . 3.5700
 Elements of offense. . . 3.5700
 Pharmacy robbery. . . 3.5750

RULINGS OF COURT

Preliminary instructions. . . 1.1900

S**SALVIA**

Dealing in
 Generally. . . 8.5700

SALVIA—Cont.**Dealing in—Cont.**

Sentence enhancement for. . . 15.5600
 Definition. . . 14.3500
 Possession of
 Generally. . . 8.6500
 Sentence enhancement for. . . 15.5720

SCHOOL BUS

Definition. . . 14.3540
 Firearms on, possession of. . . 7.1940
 Special purpose bus. . . 14.3880

SCHOOL FUNCTIONS

Firearms at, possession of. . . 7.1940

SCHOOL PROPERTY

Defined. . . 14.3560
 Firearms on, possession of. . . 7.1940
 Knife on, possession of. . . 7.3500; 14.2380; 15.7700
 Offender who may not enter
 Defined. . . 14.3625
 Unlawful entry by. . . 3.5050; 3.5055

SCIENTIFIC RESEARCH FACILITY

Definition. . . 14.3580

SELF-DEFENSE

Aircraft, use of force to protect. . . 10.0600
 Dwelling, use of force to protect. . . 10.0400; 10.0800
 Person, use of force to protect. . . 10.0300; 10.1300
 Property, use of force to protect. . . 10.0500; 10.0900
 Public servant, use of force against
 Deadly force. . . 10.1000
 Dwelling, to protect. . . 10.0800
 Person, to protect. . . 10.1300
 Property, to protect. . . 10.0900

SENTENCING

Death penalty (See **DEATH PENALTY**)
 Life imprisonment without parole (See **LIFE IMPRIS-
 ONMENT WITHOUT PAROLE**)
 Penalties imposed by court. . . 13.3500

SEPARATE COUNTS

Considered individually. . . 13.4300

SERVICE PROVIDERS

Sexual misconduct by (See **SEXUAL MISCONDUCT**,
 subhead: Service providers, by)

SEXUAL GRATIFICATION, VICARIOUS

Animals, intercourse with. . . 3.3940
 Burden of proof
 Animals, intercourse with. . . 3.3940
 Touching or fondling. . . 3.3900
 Class A felony
 Animals, intercourse with. . . 3.3940
 Touching or fondling. . . 3.3900
 Class B felony
 Animals, intercourse with. . . 3.3940
 Touching or fondling. . . 3.3900
 Class C felony
 Animals, intercourse with. . . 3.3940
 Touching or fondling. . . 3.3900
 Class D felony, touching or fondling as. . . 3.3900

[References are to Instruction Numbers.]

SEXUAL GRATIFICATION, VICARIOUS—Cont.

Definitions

- Animals, intercourse with. . . 3.3940
- Offender who may not enter school property defined. . . 14.3625
- Touching or fondling. . . 3.3900
- Deviate sexual conduct. . . 3.3940
- Fondling. . . 3.3900
- Touching. . . 3.3900

SEXUAL INTERCOURSE

Definition. . . 14.3680

SEXUAL MISCONDUCT

- Fondling or touching of minors. . . 3.3520
- Inappropriate communication with a child
 - Generally. . . 3.7500
 - Sentence enhancement for. . . 15.2900
- Minor, intercourse or sexual conduct with
 - Burden of proof. . . 3.3500
 - Defenses to. . . 3.3500; 3.3540
 - Definition. . . 3.3500
 - Fondling or touching. . . 3.3520
 - Inappropriate communication with a child
 - Generally. . . 3.7500
 - Sentence enhancement for. . . 15.2900
 - Offender who may not enter school property defined. . . 14.3625
 - Presence of a minor, sexual conduct in the. . . 3.3700
 - Touching. . . 3.3520
- Other sexual conduct defined. . . 14.2815
- Presence of a minor, sexual conduct in the. . . 3.3700
- Service providers, by
 - Burden of proof. . . 5.6200
 - Elements of offense. . . 5.6200
 - Lawful detention. . . 14.2460
 - Sexual intercourse. . . 14.3680
- Touching of minors. . . 3.3520

SEXUAL OFFENSES

- Battery, sexual. . . 3.5400
- Child exploitation (See CHILD EXPLOITATION)
- Child molesting (See CHILD MOLESTING)
- Child seduction (See CHILD SEDUCTION)
- Child solicitation (See CHILD SOLICITATION)
- Evidentiary hearing, sexual predator based on; I.C. 35-38-1-7.5. . . 14.3780
- Incest (See INCEST)
- Internet offense (See INTERNET)
- Previously unrelated adjudication and duty to register, based on; I.C. 35-38-1-7.5. . . 14.3760
- Previously unrelated adjudication with determination of likely to offend again, based on; I.C. 35-38-1-7.5. . . 14.3740
- Prior unrelated conviction, with; I.C. 35-38-1-7.5. . . 14.3720
- Private area defined. . . 14.3160
- Prostitution (See PROSTITUTION)
- Public indecency
 - Generally. . . 15.4300
 - Defined. . . 6.0400
- Public nudity
 - Generally. . . 6.0440

SEXUAL OFFENSES—Cont.

Public nudity—Cont.

- Sentence enhancement for. . . 15.4340
- Rape (See RAPE)
- Registered offenders (See REGISTERED OFFENDERS)
- Repeat sex offender
 - Burden of proof. . . 15.1800
 - More than one prior alleged. . . 16.1200
 - Previously unrelated adjudication with determination of likely to offend again, offense based on; I.C. 35-38-1-7.5. . . 14.3740
- Residency offense
 - Burden of proof. . . 3.5000
 - Defined. . . 3.5000
 - Elements of offense. . . 3.5000
- Sexual intercourse. . . 14.3680
- Sexual misconduct
 - Minor, with (See SEXUAL MISCONDUCT, subhead: Minor, intercourse or sexual conduct with)
 - Service provider, by (See SEXUAL MISCONDUCT, subhead: Service providers, by)
- Single sexual offense, based on; I.C. 35-38-1-7.5. . . 14.3700
- Unlawful employment near children by sexual predator with prior conviction
 - Burden of proof. . . 3.4900
 - Elements of offense. . . 3.4900
- Unlawful employment near children defined. . . 3.4900; 15.2500
- Unmanned aerial vehicle offense (See UNMANNED AERIAL VEHICLE)
- Vicarious sexual gratification (See SEXUAL GRATIFICATION, VICARIOUS)
- Voyeurism
 - Burden of proof. . . 6.0800
 - Definition of "peep". . . 14.2940
- Public indecency
 - Generally. . . 15.4300
 - Defined. . . 6.0400
- Public nudity
 - Generally. . . 6.0440
 - Sentence enhancement for. . . 15.4340
- Public voyeurism. . . 6.0840; 15.4240

SHOTGUNS

Definitions

- Generally. . . 14.3820
- Sawed-off shotguns. . . 14.3520
- Sawed-off shotguns
 - Dealing in. . . 7.2500
 - Definition. . . 14.3520
 - Inference of possession. . . 7.2520

SOCIAL NETWORKING WEB SITE

Defined. . . 14.3840

SOLICIT

Defined. . . 14.3860

SPOUSES (See HUSBAND AND WIFE)**STALKING**

Burden of proof. . . 6.2800

[References are to Instruction Numbers.]

STALKING—Cont.

- Elements of offense. . . 6.2800
- Phase II. . . 15.4180
- Sentence enhancement for. . . 15.4180

STATE OR FEDERALLY CHARTERED OR INSURED FINANCIAL INSTITUTION

- Credit institution defined. . . 14.0920
- Definition. . . 14.3900

STATUTE OF LIMITATIONS

- Defendant out-of-state. . . 12.3100

STEPPARENT

- Definition. . . 14.3940

STIPULATIONS

- Agreed facts. . . 12.3500

STRANGULATION

- Burden of proof. . . 3.2180
- Elements of offense. . . 3.2180

SUBSTANCE OFFENSE

- Controlled substances (See **CONTROLLED SUBSTANCES**)

SUDDEN HEAT

- Definition. . . 14.3960

SUICIDE

- Assisting suicide. . . 3.0340
- Burden of proof
 - Assisting suicide. . . 3.0340
 - Causing suicide. . . 3.0300
- Causing suicide. . . 3.0300

SUPPORT

- Definition. . . 14.3980
- Non-support (See **NON-SUPPORT**)

SURVEILLANCE

- Private property, unlawful photography and surveillance on. . . 7.7400

SYMPATHY

- General instruction. . . 13.1500

SYNTHETIC IDENTITY DECEPTION

- Burden of proof. . . 4.2960
- Definitions. . . 4.2960; 14.4000

T**TELECOMMUNICATIONS****Devices**

- Generally. . . 14.4040
- Unlawful devices
 - Generally. . . 14.4360
 - Making. . . 6.3200
 - Manufacture of. . . 14.2530
 - Sale of. . . 6.3240
- Manufacture of unlawful device. . . 14.2530
- Prison inmates, trafficking with. . . 5.3900
- Services
 - Generally. . . 14.4060

TELECOMMUNICATIONS—Cont.**Services—Cont.**

- Provider. . . 14.4080
- Unauthorized use
 - Making unlawful telecommunication devices. . . 6.3200
 - Providing materials. . . 6.3320
 - Publishing information. . . 6.3360
 - Sale of unlawful telecommunication devices. . . 6.3240
 - Unlawful plans or instructions. . . 6.3280
- Unlawful device. . . 14.4360

TERRITORIAL JURISDICTION

- Conduct element. . . 9.0020
- Homicide
 - Generally. . . 9.0040
 - Body found in Indiana. . . 9.0060
- Result element. . . 9.0020

TERRORISM

- Agricultural terrorism. . . 7.2940; 7.2940a
- Burden of proof. . . 7.2900; 7.2900a
- Deception, terroristic. . . 4.2940; 4.2940a
- Definition. . . 7.2900; 7.2900a; 14.4100; 14.4100a
- Elements. . . 7.2900; 7.2900a
- Felony terrorist offense. . . 14.4155; 15.8900
- Harboring terrorist. . . 7.2920
- Mischief, terroristic. . . 7.2980; 7.2980a
- Organizations, terrorist
 - Generally. . . 14.4150
 - Activity. . . 7.2930
- Supporting terrorist act. . . 7.2910
- Weapons of mass destruction. . . 14.4480

THEFT

- Altered property, dealing in
 - Generally. . . 4.1620
 - Sentence enhancement for. . . 15.3200
- Auto theft (See **AUTO THEFT**)
- Bifurcated trials
 - Generally. . . 15.3800
 - Altered property, dealing in. . . 15.3200
 - Auto theft and receiving stolen auto parts. . . 15.3900
- Burden of proof. . . 4.1600
- Control over property
 - Exert control over property. . . 14.1540
 - Unauthorized control over property. . . 14.4300
- Elements of offense. . . 4.1600
- Organized theft. . . 4.1610
- Property defined. . . 14.3240
- Receiving stolen property (See **RECEIVING STOLEN PROPERTY**)
- Robbery. . . 3.5700
- Title insurance escrow funds (See **TITLE INSURANCE**, subhead: Conversion or misappropriation of title insurance escrow funds)

THREATENS

- Definition. . . 14.4140

THREATS

- Definition. . . 14.4120; 14.4140

[References are to Instruction Numbers.]

THREATS—Cont.Intimidation (See **INTIMIDATION**)**TIMBER**

Definition. . . 14.4160

TIMBER SPIKING

Burden of proof. . . 4.9740

Elements of offense. . . 4.9740

TITLE INSURANCE

Conversion of escrow funds. . . 4.9800

Conversion or misappropriation of title insurance escrow funds

Agent defined, title insurance. . . 14.4180

Escrow account defined, title insurance. . . 14.4200

Party defined. . . 14.2880

Person defined. . . 14.3020

Residential real property transaction defined. . . 14.3480

Title insurer defined. . . 14.4220

Misappropriation of escrow funds. . . 4.9800

Theft of funds. . . 4.9820

TORSO

Definition. . . 14.4230

TRADEMARKS

Counterfeit. . . 8.9200

TRAFFIC

Control device causing death, reckless failure to obey. . . 7.4950

Flagman instruction causing death, reckless failure to obey. . . 7.4950

Habitual traffic violator (See **HABITUAL OFFENDERS**, subhead: Vehicular offenders)

Obstruction of

Burden of proof. . . 3.2300; 5.2800

Elements of offense. . . 3.2300; 5.2800

Motor vehicle. . . 14.2660

TRAFFICKING IN HUMAN BEINGS (See **HUMAN TRAFFICKING)****TRANSACTIONS**

Manipulation device, unlawful sale or possession of. . . 4.4200

TRANSCRIPT OF TESTIMONY

Generally. . . 12.4000

TRANSPORTATION FACILITY

Key facility defined. . . 14.2360

TRESPASSComputers trespass against (See **COMPUTERS**, subhead: Trespass against)Criminal trespass (See **CRIMINAL TRESPASS**)**TRIALS**

Conduct of trial, preliminary instruction on. . . 1.2500

Evidence (See **EVIDENCE**)

Issue for trial. . . 1.0500

Preliminary instruction on conduct of trial. . . 1.2500

Sentence enhancement for (See **BIFURCATED TRIALS**)**TRIALS—Cont.**Verdicts (See **VERDICTS**)Witnesses (See **WITNESSES**)**TUMULTUOUS CONDUCT**

Definition. . . 14.4260

U**UNANIMOUS JURY DECISIONS**

Crime, decision on. . . 13.3100

Generic evidence of multiple acts, decision on. . . 13.3300

UNLAWFUL ASSEMBLIES

Definition. . . 14.4340

Rioting (See **RIOTING**)**UNMANNED AERIAL VEHICLE**

Bifurcated trials

Harassment, remote aerial. . . 15.8840

Interference, public safety remote aerial. . . 15.8800

Sex offender unmanned aerial vehicle offense. . . 15.1850

Voyeurism, remote aerial. . . 15.4250

Definition. . . 14.4365

Harassment, remote aerial

Generally. . . 6.2850

Bifurcated trials. . . 15.8840

Interference, public safety remote aerial

Generally. . . 5.7500

Bifurcated trials. . . 15.8800

Sex offender unmanned aerial vehicle offense

Bifurcated trials. . . 15.1850

Operation of vehicle. . . 3.7150

Voyeurism, remote aerial

Generally. . . 6.0820

Bifurcated trials. . . 15.4250

UTTER

Definition. . . 14.4380

V**VALUABLE METALS**

Dealer. . . 4.1650

Motor vehicle parts, defined relative to. . . 14.4400

VENDING MACHINE VANDALISM

Damaging. . . 4.2200

Definition of vending machine. . . 14.4420

Removing contents. . . 4.2230

VERDICTS

Construing instructions as whole. . . 13.0100

Death penalty (See **DEATH PENALTY**)

Guilty verdicts

Generally. . . 16.0100

Mentally ill. . . 11.1700; 16.0300

Habitual offenders (See **HABITUAL OFFENDERS**)

Not guilty

Generally. . . 16.0500

Insanity, by reason of. . . 11.1700; 16.0700

Sentence, recommendation of. . . 16.1800

[References are to Instruction Numbers.]

VICTIM

Definition. . . 14.4460

Lifetime parole violation, contact with child or victim
(See LIFETIME PAROLE VIOLATION)**VIEW OF SCENE**

Generally. . . 12.4300

VOLUNTARY CONDUCT

Definitions. . . 9.0080

Possession of property. . . 9.0100

VOLUNTARY MANSLAUGHTER (See MAN-
SLAUGHTER, subhead: Voluntary manslaughter)**VOYEURISM**

Additional count filed by state. . . 15.4200

Burden of proof. . . 6.0800

Definition of "peep". . . 14.2940

Elements. . . 6.0800

Public indecency

Generally. . . 15.4300

Defined. . . 6.0400

Public voyeurism. . . 6.0840; 15.4240

Unmanned aerial vehicle

Bifurcated trials. . . 15.4250

Remote aerial voyeurism. . . 6.0820

W**WATER FACILITY**

Key facility defined. . . 14.2360

WATER SUPPLY

Tampering with. . . 4.0680

WEAPONSAircraft, possession of deadly weapon when board-
ing. . . 7.2580

Assault weapon. . . 14.0280

Bombs (See BOMBS AND EXPLOSIVES)

Deadly weapon

Generally. . . 14.1040

Penal or juvenile facility, possession of deadly
weapon within. . . 5.4200

Definitions

Deadly weapon. . . 14.1040

Firearm. . . 14.1720

Handgun. . . 14.1940

Sawed-off shotgun. . . 14.3520

Shotgun. . . 14.3820

Weapons of mass destruction. . . 14.4480

Explosives (See BOMBS AND EXPLOSIVES)

Firearm (See FIREARMS)

Handguns (See HANDGUNS)

Knife (See KNIFE)

Machine guns (See MACHINE GUNS)

Minors

Handguns (See HANDGUNS, subhead: Minors)

Prohibited sale or transfer to minor

Assault weapon. . . 7.1960; 7.1980

WEAPONS—Cont.

Minors—Cont.

Prohibited sale or transfer to minor—Cont.

Machine gun. . . 7.1960a; 7.1980a

Penal or juvenile facility, possession of deadly weapon
within. . . 5.4200

Prison inmates, trafficking with. . . 5.3900

Shotguns (See SHOTGUNS)

Weapons of mass destruction. . . 14.4480

WELFARE FRAUD

Concealing information. . . 4.4880

Counterfeit documents. . . 4.4860

Public relief or assistance. . . 14.3300

Unlawfully obtaining. . . 4.4800

Unlawful use

Generally. . . 4.4820

Documents. . . 4.4840

WIRELESS COMMUNICATIONS DEVICES

Prison inmates, trafficking with. . . 5.3900

WITNESSES

Bribing

Elements. . . 5.0520

Taking bribe. . . 5.0500

Credibility

Preliminary instruction on weighing. . . 1.1700;
13.1100

Prior inconsistent statements. . . 12.1300

Cross-examination, refusal of. . . 13.2100

Defendants

Nontestifying. . . 13.2300

Testifying. . . 13.2500

Depositions. . . 12.4000

Expert witnesses (See EXPERT WITNESSES)

Lay persons opinion. . . 12.2500

Perjury. . . 5.1400

Preliminary instructions weighing credibil-
ity. . . 1.1700; 13.1100

Prior inconsistent statements. . . 12.1300

Transcript of testimony. . . 12.4000

WIVES (See HUSBAND AND WIFE)**WOMEN-OWNED BUSINESS ENTERPRISES**

Definition. . . 14.4500

False representation. . . 4.2900

WORTHLESS CHECKS (See CHECK DECEPTION)**WRITTEN INSTRUMENT**

Counterfeit, possession of. . . 4.2420

Definition. . . 14.4520

Make. . . 14.2500

Y**YOUTH PROGRAM CENTER**

Definitions. . . 14.4540

